



1941

Proceedings of the Annual Meeting of the State Bar Association of North Dakota Held at Bismark, North Dakota September 18th, and 19th, 1941

North Dakota State Bar Association

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PROCEEDINGS
of the
ANNUAL MEETING
of the
STATE BAR ASSOCIATION OF NORTH DAKOTA
HELD AT BISMARCK, NORTH DAKOTA
SEPTEMBER 18th, and 19th, 1941

* * *

The Annual Meeting was called to order on the 18th day of September, 1941, at 9:30 A. M., with Mr. Herbert G. Nilles, President, in the chair.

MR. NILLES: This meeting will come to order. The annual meeting of this association is now open. It is but fitting and proper that our deliberations here today open with Divine blessings. I now present Rev. Chester W. Hamblin, who will pronounce the invocation.

REV. CHESTER W. HAMBLIN: Almighty God, our Father, Thou Who has blessed mankind with attributes of good, grant unto these men who seek justice and to seek it without favor to anyone, and in our lives and in our work and in all things may we put courage above preferment and principle above expediency, but in all things may justice be tempered with charity. Grant, our Father, too, that in these trying times those who seek justice may do so without favor to rich or poor, and that love of justice and right and truth is instilled in their hearts, so that we may have respect for government and for law and so that our democracy can endure. This we ask in the name of Him Who spoke to us of charity and love and truth. Amen.

MR. NILLES: Thank you, Rev. Hamblin. The City of Bismarck has asked for a place on this program and I take pleasure now in presenting to you Mayor Neil O. Churchill, Mayor of the City of Bismarck.

ADDRESS OF WELCOME

MR. NEIL O. CHURCHILL: Mr. President, Members of the State Bar Association, and Ladies:

I do not know about asking for a place on the program but I assure you that in looking over the program for your convention at Bismarck I have been impressed with the fact that your meeting here is one of work, and which work is designed to improve your ability and knowledge so as to better serve your clients.

You lawyers of this state are, in addition to the regular practice of law, confronted with many difficulties and probably the greatest of these difficulties is the problem of endeavoring to keep your government functioning as a democracy, and of maintaining in the people a proper balance and proper mental attitude toward government.

Ever since there has existed any form of government wherein the people had a voice and wherein any freedom for the individual has formed any part of the policies of the government, it has been the part of the lawyer to maintain such liberties. Your convention here and the program you have adopted clearly demonstrates that the lawyers of today, like their predecessors, are awake to their responsibilities and are not shirking their duties in preserving and protecting liberty and freedom as they exist in our form of government.

The City of Bismarck is very much pleased that you have chosen Bismarck for your convention city. We are pleased not only because of the fine group of men and women who attend the convention but we feel also that the City of Bismarck is a city which is owned, not entirely by those residing here, but is owned by the people of the entire state. Every citizen of this state of North Dakota has contributed greatly to the building up of this city, the friendship which has existed and still exists between Bismarck and the other cities of the state has made it possible for Bismarck to exist and grow and to be the kind of a place which we think it is and which we sincerely hope will meet with your approval.

It has been the endeavor in Bismarck to keep the city such that it will be a credit not only to the citizens of the city itself, but to the entire State of North Dakota. We feel that you have a right when you come to Bismarck to feel that you are in a measure coming to your own home city and to your own home.

We want you, while here, to know that you are at home, to know that every facility of the City of Bismarck is yours. We want you to be treated by every citizen of this community as tho you were a resident here and we are confident that you will be so treated.

It therefore gives me a great deal of pleasure, on behalf of the City of Bismarck, to welcome this convention and all of the people attending it. It is my fervent hope that you will find some opportunity for pleasure to mingle with your labor and that you will return to your respective homes even more friendly to Bismarck than you were when you came, and I can assure you that you are heartily welcomed.

MR. NILLES: I will ask the Honorable H. A. Bronson, Vice President of this Association, to respond to this gracious welcome.

RESPONSE TO ADDRESS OF WELCOME

MR. H. A. BRONSON: Mr. President, Ladies and Gentlemen of this Association:

It is now an old custom for the Vice President to respond to the address of welcome at the annual meeting of the State Bar, so Clyde Duffy said last year when Harold Shaft responded with the production of evidence to justify his efforts.

The reason for this custom is that it assures the Vice President of a secure place on the program at each annual meeting.

It is a distinct pleasure and privilege to respond to the welcome of the lawyers to this Queen City of the West, where the proverbial latch key is always hanging out for those who watch the stop and go signs while here, and provided, of course, they are careful and attentive to the doings of the meeting while they are in attendance and otherwise join in the fine program to take place here.

Seven years have passed since Bismarck entertained the lawyers of the state. At that time, James P. Cain was President, and then former Governor Shafer delivered the address of welcome in that usual facile way of his, taking such liberties with the English language as he then desired. He made an open confession then that one of the accomplishments of his administration, when he was governor of the state, was the success he had in burning the State Capitol in December, 1930. Then he demonstrated the financial success of his administration by showing that they had enough insurance on the old Capitol to make a fine start in building this beautiful new Capitol that we have here today. Anyway, George made a good talk without being called to account, then or since, for the confession he then made of the arson committed.

We are happy to be here for the meeting of this convention, and to respond to the warm welcome extended by the Honorable Mayor of this city.

We know and we feel that with the wonderful loyalty and support for our government that the citizens of Bismarck have always given, we will go forth from this convention, and after our meeting here, with a deeper and greater appreciation of the freedom and the rights that we now have as American citizens under a constitution and a government of laws which permit and assure that you and all of us are free and independent, and under the domination of no foreign foe, and with a determination expressed by all of us that we resolve to continue our democracy, and defend it and preserve it with the rights that we now possess against any foreign foe.

To be an American citizen is a great privilege, the value of which will be more greatly and highly appreciated and emphasized during our meeting in this Capital city.

We are thankful for the welcome that Bismarck has extended to us.

I thank you.

MR. NILLES: Since our last meeting death has taken a levy of some of our members. It is but fitting and proper that a memorial service be had to commemorate those of our member-

ship who have passed on. I will now present the Honorable A. G. Burr, Chairman of the Committee on Memorials.

REPORT OF COMMITTEE ON MEMORIALS

JUDGE A. G. BURR: Mr. President; Gentlemen: Your Committee on Memorials begs leave to report as follows:

The hand of death has been heavy on the legal profession during the last year. Neither youth nor age, rank, station, nor experience has been overlooked, and it becomes our melancholy duty to record the march of the devouring scythe of time. Ten resident practitioners have been laid low in the swathe, and we present a short biographical sketch of each, in order that a permanent record may be made of their services and accomplishments.

To this report we append short biographical sketches of:

MR. W. B. ARNOLD
MR. G. R. BRAINARD
MR. JAMES S. CARR
MR. CARL B. CRAVEN
MR. OLE ELLEFSON
MR. A. M. KVELLO
MR. A. C. LACY
JUDGE A. L. PARSONS
JUDGE B. W. SHAW
MR. CHARLES A. VERRET

In addition to the sketches of these state lawyers, we append short sketches of the lives of:

MR. CHARLES DONNELLY
MR. L. C. GOOLER
MR. OSCAR J. SEILER
MR. HENRY MIDDAUGH

former members of the Bar of this state, but who removed to other states.

(See Memorials following proceedings)

JUDGE BURR: Mr. President, I move the adoption of these resolutions, but I ask that a vote thereon be deferred until we have this memorial address given to us. Some of you gentlemen may not be acquainted with Mr. Paul W. Boehm, of Hettinger, in the western part of the state. We are fortunate in having him here to give us some remarks that will be appropriate to this occasion. I have the pleasure of presenting Mr. Boehm.

MEMORIAL ADDRESS

MR. PAUL W. BOEHM: Mr. President and Ladies and Gentlemen:

"I could have wished, that the reputations of these honored dead, had not been imperilled in the mouth of a single individual, to stand or fall, according as he spoke well or ill."

Such were the words of Pericles when he addressed the Athenians in honor of their fellow citizens who had fallen in the Peloponnesian War, over twenty-three centuries ago; and such are my feelings here and now as I am called on to briefly speak in commemoration of the members of our Bar, who have faded from the scene during the past year. What I say here will do little to enhance their reputations; the records of their work are in the archives of our courts for evermore and the memories of their personal and more private activities will remain in the recollections of their friends to the end of their days. I shall try, only in a few minutes, to make an estimate of the value of their legal careers to the communities in which they lived, to the state and to the nation in the hope that it may bring comfort rather than condolences to their survivors.

Our ten deceased fellow workers ranged in age from forty-five to eighty-two years; but only one of them passed the allotted span of three score and ten. This last fact may well make us pause and reflect, for the occupational hazards of our profession are surely very slight. Is it because we give too little attention to our health that we fail to reach the Scriptural age limit? Probably not. More likely it is the intensity with which we work that wears us out before our time.

"We live in deeds not years; in thoughts not breaths;
In feelings, not in figures on a dial:
We should count time by heart throbs. He most lives
Who thinks most, feels noblest, acts the best."

With this standard before us, let us examine into the life work of our departed brethren and seek to appraise their value to their fellow men.

The professional activities of the lawyer are devoted to the laws of the land: their enactment, their interpretation and their enforcement. These laws aim to bring order out of chaos, system out of confusion and peace out of strife. Only through laws can a people enjoy the benefits of civilization and only through courts can a people have the benefit of laws. Some laymen know that the lawyers are officers of the court but few of them know that lawyers are the principal working officers of our tribunals.

Very little thought will convince the intelligent man that peace and prosperity are possible only under the reign of law. History is replete with examples of nations retarded in their development on account of faulty systems of laws; and in our own country and in our own local and national history the breakdown of the legal machinery has many times resulted in periods of lawlessness and stagnation, gangsterism and business paralysis. When the individual is protected in his peaceful pursuits, his

property safeguarded from the depredations of vandals and out-laws, prosperity prevails.

The many jibes of the humorists do not minimize the necessity for law and for lawyers. The profession can take the jokes along with the fees. Those who run afoul of the law or are worsted in a civil suit sometimes show poor sportsmanship and put the blame on the lawyer like a poor carpenter who blames his tools for his poor results. Even men of genius have displayed rancor at times when dealing with the legal profession. My former partner, the much lamented Fred Jackson, used to say that "It can be mathematically demonstrated that there have been as many cases lost as have been won". So there are necessarily a lot of disappointed suitors. And not all of them are good losers. Take Shakespeare, for example. He made a most murderous suggestion with reference to all lawyers. But I do not doubt it was prompted by disappointment in the case where he was prosecuted for poaching and found guilty and by unfavorable decisions in some other civil suits. Besides, he was a fiction writer and should not be taken seriously. Otherwise he must be regarded as an outlaw who believed in lynch-law. And then further, he wrote:

"The play's the thing. . ."

when we all know from experience that it's the work's the thing and not the play.

Man is naturally a lawless creature and must, by education and training, be made amenable to the restraints of law. If he lacks this training he chafes at the restraints of the law; he resents the interference of the officers of the law with his freedom of action. So he condemns the law and all its officers, especially the lawyer who has failed to win his case for him. If he is a writer, especially of fiction, his spite may show in his product and furnish him with a villain for his plot.

We all know that a child has no respect for order or law. His moral sense is quite undeveloped. He is governed by impulse until he is educated to restraint. Some grown people do not develop mentally as they should and retain a deep-seated hatred for the instruments of restraint. The courts, the police and the lawyers are all their natural enemies. So what they say about lawyers is not very complimentary.

So when we meet persons unreasonably prejudiced against lawyers we may seek the reason in a trace of barbarism left in them or possibly a trace of childishness. This breaks out in persons who have collisions with officers of the law. They are atavistic; they are throw-backs; they show us what man was before the reign of law. In this day and age they are anachronisms; they belong to a former age. So the plodding lawyer hears but does not heed the slurs of the malcontents. You may have heard the Arab's proverb:

"The dogs bark; and the caravan keeps moving on."

The work of the lawyer in office and forum is both constructive and remedial. It is brilliantly displayed in the Constitution of the United States and of each separate state. It is perennially shown in the laws that are regularly added to our statute books to meet changing conditions. When it is absent there is confusion and damage. In the next place the lawyer's work is shown in the application of the law to every-day life. Office counsel is the traffic light of business — preventive when it stops, creative when it tells the business man to go ahead. In the courts rights are vindicated, damages collected and crimes punished. Always the lawyer is needed to lubricate the wheels of the machine. He eliminates the friction that impairs the efficiency of the governmental machine and keeps it running smoothly. A peaceful, prosperous and progressive nation is the proudest monument of the lawyers' careers.

And what are the aims and ideals of the profession? Are they mainly gain, as in business; or profits, as in commerce; or higher prices, as in agriculture? No, far from it. In our professional oath we pledge ourselves to administer justice, to adhere to truth, to dispense charity, and to act with decorum. Such, I can confidently say, have been the rules of action of our departed brethren. They have spent their lives in the most valuable, the most indispensable and the most high-minded of all occupations.

But have they left any monuments to their work?

A few years ago I paid a visit to a famous cemetery. It was reputed to contain the largest number of artistic monuments to the dead of any in the world. I refer to the Campo Santo in Genoa, Italy. The grave stones in this cemetery have been erected for centuries by the Genoese nobility and merchant princes and are lavish in life sized sculptures in stone. The artistry is superb and the marble figures are truly life-like in their perfection. The messages they convey to the beholder are compelling — more powerful than words. They depict eloquently the traits, accomplishments and ideals of the deceased, and to the observing admirer they speak plainer than words.

I have had the privilege, too, of viewing and entering the mortuary monuments of ancient Egypt. The rock-hewn tombs of Rameses II, Seti I and Tut Ank Amon; and the most stupendous mausoleum of all, the Pyramid of Cheops at Gizeh. Bent double we slowly penetrated to the central chamber of the vast pile of masonry, where the sarcophagus of the builder still stands. The dimensions of this room, the perfect geometry of the whole, was awe-inspiring. And its meaning? That appeared to be very plain to us. The ruler wanted to show posterity the immense power he had at his command. Power in such abundance that he could spend it on the most gigantic, the most stable, and the most enduring monument of all time. Pride, arrogance, cruelty are all expressed in this great pyramid.

And then, finally I stood under the dome of the most beautiful of all monuments to the dead. So beautiful that it is the

cynosure of all lovers of the beautiful. A monument to the wife of a Grand Mogul in India, Shah Jehan, at Agra. The story is told that he bankrupted an empire to build the fabulous structure and lost his throne and liberty on its account. So perfect is it architecturally that no stain of rain or mark of weather mars its perfect coloring, a soft ivory, or its exquisite lines. Built of white marble throughout it is so perfectly preserved as to appear to be newly built even now, after more than four hundred years. Inlaid in the marble are decorative designs of vines, leaves and flowers, done in precious and semi-precious stones: jade, chalcidony, lapis lazuli, and others.

Such constructions were possible for rulers of empires, but they are far removed from the mortal monuments that the lawyers of North Dakota leave. I am sure that we feel that our best monuments are the good work that we have done in our communities, the assistance we have given to the administration of justice, our success in counseling our fellowmen so as to aid them in the successful conduct of their business. The best, the most enduring monument of all reposes in the hearty commendation of our fellow lawyers with whom we have worked and with whom we have played and among whom we die.

I thank you.

JUDGE BURR: Now, after we have heard that splendid address, I can renew the motion I have made that these resolutions be adopted.

Motion duly seconded and adopted.

MR. NILLES: I will call Vice President Bronson to the Chair.

MR. BRONSON: It is an honor and a privilege to introduce the next speaker, who is one of my old boys in the days that were, in the University Law School and who is one of the really honest, fine lawyers of our state today. It is my great pleasure to present to you Herbert G. Nilles, your President, who will deliver now his annual address. Mr. Nilles.

A WORD FOR THE LAWYERS

MR. NILLES: Mr. Chairman, Gentlemen of the Association, and Guests:

First, I desire to extend to the members of the Association my thanks for the privilege of having served the past year as your President. From that experience I have learned and profited a great deal. Many things have come to my attention of which I was not aware. It has given to me, I think, an opportunity to obtain a broader view of the legal profession and its problems as they exist in North Dakota.

From this experience, the outstanding thing which has impressed me is the predicament of the young lawyer. Periodically each year the ranks of the legal profession are augmented by the

admission of sizable groups of young people who have met entrance requirements. These young people enter the profession possessed with the idealism of youth and great hopes of professional success. They are immediately confronted with the situation of an over-crowded profession, and a general situation of economic distress. They do not realize that when they have completed their courses of study, that some years of practice and experience are necessary to fully qualify them to perform the functions of a lawyer. Older lawyers and firms having established practices leave little opportunity for the young man. The result is discouragement and financial difficulty which sometimes leads to serious infractions which bring disgrace upon them and their profession. There exists also in the minds of a few short-sighted members of the profession a disposition to extend no help or assistance to these younger men, but rather to assume an attitude of letting the young members of the bar earn their own salvation.

To me this is a situation of which the profession as a whole should take immediate cognizance. In these times of stress, it is exceedingly important that more than usual attention be given to the younger members of our profession. It is important for several reasons. The difficulties of the younger lawyer are such that even in normal times, good sound advice and encouragement is necessary to help the young lawyer in his struggle to establish himself professionally. Again, it must be remembered that it is only a few years when this younger class of lawyers will occupy positions which we now occupy and will be representative of the profession as such. Hence, in order that the profession of the law may continue to be practiced by men who are worthy of being called lawyers, it is important to all of us that these younger members of the profession be given every aid and assistance.

Through the ages of history, the legal profession has never been a popular one. There is constantly present in the public mind a more or less traditional prejudice. Of course, it must be admitted that, as in all other professions and vocations, there are now and then conditions which are not ideal and that some measure of criticism at times is warranted. There is, however, a real evidence of substantial improvement when the profession itself, as it has, takes cognizance of the situation and indulges in an honest self-appraisal of the situation, and takes constructive steps toward self-improvement.

I do not feel that the legal profession is deserving of all the criticism which has in the past been heaped upon it. We understand, although the public does not, that to a large extent the work of a lawyer is that of a partisan. He is an advocate of one party to a dispute. It is only human nature for one adverse party to hold grievances against the other. The lawyer's life is one of continuous direct strife and conflict on behalf of others, and in this respect, differs materially from other professions and vocations. However, from this perfectly natural situation, there

frequently arises misunderstanding and criticism. We of the profession understand this situation, and should constantly bear it in mind in our own appraisal of our brothers at the Bar. Whatever may be the truth in regard to criticisms of the legal profession, lack of public confidence, whether justified or not, is a matter which the legal profession must deal with. It is not met by hiding our heads in the sand. Public confidence must be gained by a demonstration to the public of the merits of the legal profession.

I do not pretend to be an infallible authority on the matters of which I speak, but I have my own opinions based upon my own experience, my observation and study. We may not all be agreed upon what can or should be done, but as I view it, there are certain fundamentals which must be constantly borne in mind. Whether rightly or wrongly, there are certain matters relating to the legal profession and its conduct, with respect to which the public at times raises question. Let us not close our eyes or ears to these things, but rather that we see and hear them.

What I have to say on these matters is addressed particularly to the younger members of the Bar. The professional life of a lawyer is established not by any one incident or act, but by a weighing and measuring of his professional conduct during the period of his professional career. Mistakes may be made which can, by exemplary conduct, be rectified. Good conduct and an exemplary life may be ruined by letting down of the bars of integrity. Public confidence is instilled as a result of favorable contacts between the legal profession and the public. I desire to speak of some of the things which in my humble opinion can well be taken to heart by every young lawyer, and which I think may be of some aid and assistance to him in the establishment of an honorable professional career.

GENERAL PUBLIC RELATIONS

First, I refer to the matter of general public relations. The lawyer who confines himself exclusively to his office, his home, to his private diversions, is in effect living in a little world all his own. He comes in contact only with his personal friends, his immediate clients, and his associates in golfing and fishing. Business men and other public-spirited citizens of every community devote freely of their time and effort to the promotion of general civic enterprises, with no thought of financial reward. There are and have been members of our profession who have definitely neglected or refused to participate in the promotion of those things for the general benefit of his community unless there is a fee in it. This is an exceedingly short-sighted policy. The spirit of confidence which develops from association of citizens of a community in such efforts as Community Chest, charitable enterprises, and the promotion of educational and benevolent institutions, is bound over a period of time to inure to the benefit of the lawyers and of his profession. There is no reason why lawyers should not participate in Chamber of Commerce and

Service Club activities, be active in the affairs of the church to which he belongs, and manifest an interest in public things, and a willingness to devote a reasonable part of his time to the general welfare of his community. I will concede, of course, that the lawyer's business is such that there is a limit to what he can do in this regard, but the lawyer who consistently overlooks the opportunity of demonstrating to the public that he is willing, along with others, to do his share for the general welfare of his community, will do much to remove from the public mind the sometimes present prejudices which exist in the minds of people who do not know lawyers.

BAR ASSOCIATION ACTIVITIES

Next, I would suggest an active participation in Bar Association activities. Your State Association, as well as our local associations, furnish an opportunity where members of the profession may meet; exchange ideas, and establish friendships which will lighten the difficulties which otherwise may arise. You each know from your personal experience that it is much easier to do business with a lawyer with whom you have a personal acquaintance; favors looking toward the more efficient dispatch of business are more readily extended to a lawyer whom you have met. There is more of a disposition to get together and agree upon many of the procedural problems which are always present with one whom you know; and in this connection, I would like to also add that membership in the American Bar Association is, in my opinion, something which is highly desirable. The work of that Association has become tremendous. Its various sections and activities are headed up by men who give a great deal of their time and service to the promotion of its work. I know for instance that the work of the section on Insurance Law, and the section on Real Property, Probate, and Trust Law is something that has been of great value to the members of that Association. Both of these sections have made available from time to time extensive treatises dealing with various questions of law which arise from time to time. The work of its Committee on National Defense and its Special Committee on Improving the Administration of Justice is outstanding. The activities of the American Bar Association have been educational, instructive and uplifting. A participation in its activities is in my opinion well worth while.

THE RELATIONS BETWEEN THE LAWYER AND HIS CLIENT

Next, I would like to speak of the relationship between the young lawyer and his client. It must always be remembered that this relationship is a sacred one. The lawyer is selected by the client because of faith in the lawyer's ability, his honesty and integrity. It is a rare case where anyone has ever asserted that the interests of a client have ever been betrayed by a lawyer. There are, however, cases where, the work having been done, difficulty arises between the lawyer and his client as to the amount

of the fee. This presents, of course, a delicate situation. Up to the time that the bill is rendered, the lawyer and the client have been working together shoulder to shoulder for the accomplishment of a result favorable to the client. The association of the lawyer and his client in this cause has often brought the parties together very closely. The legal result may be satisfactory. A difficult situation, and one which is very vital to the lawyer's future, is here presented. To have here at this point a serious difficulty, results in a situation where a client, who is otherwise satisfied, leaves in an ugly frame of mind. On the other hand, the lawyer having accomplished a good piece of work may be disappointed in the attitude taken by the client and his apparent appreciation for his work. This presents an unusually difficult problem to solve. I do not know that I can give you any concrete answer as to what should be done in a situation like this. Members of the Bar hold different opinions. Some of my own views, however, are expressed by the Honorable Reginald Heber Smith of the Boston Bar in a series of articles published in the American Bar Journal from May through August, 1940, in which he said:

"The rule that the client shall be the final judge helps to meet the most awkward question that lawyers face. A client calls, states his problem, asks the lawyer to take care of him, and then says, 'What will it cost?' Verily, the lawyer cannot tell, but this inability is disquieting to the client. If you ask an architect how much it will cost to build a house, he cannot give even an estimate until he has seen all the specifications. No client can give to the lawyer comparable specifications. For example, neither can they tell how much of a fight the opposing party intends to put up. If you beat him in the trial court and he accepts the verdict, that is one thing, but if he is determined to appeal, that is another. The best answer to the question, 'What will it cost?' is the truthful one, 'I cannot now tell you. I can tell you that we keep careful records; these you can see; we have a cost system; when the work is done we will submit a bill we believe fair. You must feel free to discuss this with us if you want. You are not letting yourself in for an indeterminate liability, because our rule is that you yourself have the right to fix the bill.' That rule means exactly what it says. The client can fix his bill. Barring cases of fraud which are covered by the Canons of Ethics, we do accept the client's decision. If we feel he is being unfair, then we respectfully decline to accept further work from him. Most clients are honest, they are prepared to pay for good work, and do pay, but they do not want to get 'stuck'. Candor and openness go a long way with nearly all clients."

I do not know whether an inexperienced young lawyer can go quite as far as Mr. Smith has suggested. A great deal, of course, would depend upon the character of the client with whom the business has been had. Needless to say, there are clients who will take advantage of a lawyer if opportunity is presented. This rule enunciated by Mr. Smith certainly should be applied to clients of unquestioned standing and responsibility who have legal business to handle from time to time. In the case of the occasional client, it might not always work out. I would like to suggest, however, that unless the client is guilty of such unreasonableness as to practically amount to an attempt to defraud, that the lawyer who allows a client to leave his office with a bitter feeling because he has had to pay what he considered an unreasonable bill, is making a serious error. The true rule, I

think, should be for the lawyer to ascertain in his own mind as to whether or not the client is actually honest in his convictions as to the amount of the bill. If the client is actually honest in his convictions that the bill is exorbitant, every consideration and respect should be given to that state of mind, and an amicable adjustment arrived at at all cost. While I am speaking on this subject, I would also like to mention that there are a reasonable number of instances which arise when a quotation of a fee has been made in advance of the work. Many times a lawyer will agree to do a certain piece of work for a certain fee; later, through no one's fault, possibly the work turns out to be a great deal more than is anticipated. The lawyer feels under the circumstances that he should not be held to his contract. This, I suggest, is not legally sound and is extremely dangerous to the lawyer's professional future. If an agreement has been made to handle the work for a certain price, that agreement should be kept, no matter what the circumstances may be. If unexpected developments result in the work being unprofitable, that is simply the lawyer's hard luck. All of these remarks on the question of fees add up to only one thing, and that is, that a lawyer who acquires a reputation of overcharging or taking advantage of circumstances to collect that which clients consider to be an unreasonable amount, is establishing himself a reputation which will make it extremely difficult for him in future years of practice. Clients ordinarily are honest, and ordinarily expect to pay well for good work, and ordinarily do pay. The lawyer, whose reputation is such that the general public may feel that they can deal with him freely, openly and unafraid so far as the fee question is concerned, will have removed one of the strongest prejudices which exist against the legal profession.

THE RELATIONSHIP BETWEEN LAWYERS

Next, I would like to speak on the relationship of the lawyer to his brother at the Bar. We all know of instances where lawyers in communities, through a course of practice over a period of years have grown so far apart as to practically become personal enemies. A personal dislike and hatred develops which results in harm to both himself and to the profession as a whole. Sometimes, this is due to misconduct on the part of the one or the other, or sometimes to professional jealousy. Whatever may be the cause, the personal difficulties of lawyers, one with the other, is never a proper subject for discussion with clients. As a matter of fact, no lawyer should be so narrow that he cannot appreciate that his opponent may possibly on occasions be right. If serious difficulty should arise, it should be made the subject of discussion between the lawyers involved, in which event, if necessary, possibly some third member of the Bar might intervene. Failure to do this results in a situation where lawyers are going about depreciating each other's ability and integrity, casting aspersions upon each other, and generally speaking, creating the ridiculous situation of the legal profession destroying itself. I do not for a moment believe that in hotly con-

tested matters that lawyers can be expected at the time to get along as brothers, but I do believe that each lawyer in his relationships with his opponent and adversary can and should be an honorable gentleman. A good, sound, reasonable, business relationship between all of the members of the Bar is not only highly desirable, but absolutely essential, to protect the Bar against those who would attack it.

THE RELATIONSHIP OF THE LAWYER TO THE COURTS

Next, I would like to speak of the lawyer's relationship to the courts. It must be remembered that lawyers are officers of the courts in which they practice. The judge who occupies the bench and who decides the questions of law is the representative of all. I think most if not all judges are seriously conscious of their obligations. Judges and lawyers often disagree as to what is the law or its proper interpretation. Even judges disagree with each other at times as to the proper application of the law. An adverse decision, while possibly disappointing, should never under any circumstances be used as the basis for any intemperate or personal attack, either public or private, upon the court which rendered it. I do not suggest that any lawyer should accept the decision of any judge and be satisfied therewith, if, in his own mind, he thinks it is wrong, but I do suggest that it is exceedingly bad taste and bad form to express to laymen any personal vindictiveness as against the court which rendered the decision, or to question the integrity of the judge who occupies the bench.

As a matter of fact, the interested client who hears such remarks is likely to consider such remarks on the part of the lawyer as more of an "alibi" for either poor performance or bad advice, than he is to believe that the remarks are justified. The effect of such attacks is sometimes to create in the minds of the public a belief and conviction that the judges are corrupt, and the possible belief that one lawyer or the other has an influence of some kind which produces a desired result. The implication which is often given and understood by the disappointed client from intemperate and vindictive remarks of an unsuccessful lawyer is an implication against the honesty and integrity of the court and of the opposing lawyer. This is just another example of things within the Bar which destroy the profession. I think that we are remarkably free of this in North Dakota, but I suggest it for the consideration of the younger men who are coming up. There can be no question but that a judicial system which is considered strong, fearless, independent and honest adds greatly to the prestige of the legal profession itself.

CONCLUSION

And finally, may I close with this general observation—it is not necessarily what you actually are, but what the public thinks you are, that makes up the public's appraisal of your ability and integrity. In other words, it is always well to avoid not only

evil, but also all the signs or evidences of evil. As things now are, the public generally is not likely to indulge in any presumptions in favor of your ability or integrity; in the eyes of the public, the burden of proof rests upon you to demonstrate by your actions and conduct your ability and integrity. You cannot safely assume that these things will be presumed.

I hope that these remarks may be of some assistance to the young men who are coming up. I also hope that the older members of the Bar, appreciating the difficulties of the younger men, will from time to time extend to them a helping hand and give to them the benefit of their wisdom and experience.

MR. BRONSON: We have listened to a very fine talk. Thank you, Mr. President.

MR. NILLES: Thank you, Judge Bronson.

(Mr. Nilles resumes the chair.)

MR. NILLES: The next item on the program is a report on the progress of the Code Revision Commission. I will ask Mr. A. M. Kuhfeld to step forward and give this report.

MR. A. M. KUHFIELD: President Nilles, Ladies and Gentlemen:

In the first report on Code Revision which was made to the Bar Association I told you somewhat in detail about the methods which we are employing in revising the laws and statutes of the State of North Dakota. I told you at that time that we were basing our revision on the Revised Code of 1895. I want to say this as a foundation for what I have to say later. We are basing our revision on the 1895 Code for the reason that the Code of 1895 is the last revision that we have had in North Dakota. We started work by typewriting on cards the code provisions found in the Revised Code of 1895 and all of the various session laws which have been enacted by the legislative assembly since 1895. This involves the classification and indexing of over 26,000 5 x 8 cards, each card containing a section of the North Dakota laws.

I also explained a year ago that the Code Revision Commission, being anxious to eliminate duplication in the code, has set up a new alphabetical system. In other words, the laws will be divided and classified under sixty-four different titles, each title having all the provisions under that particular subject matter. For instance, we start with the titles Aeronautics, Agency, and so on until we get to Workmen's Compensation, and each title contains all the provisions of the subject being discussed.

As you know under Chapter 110 of the Laws of 1939 we are instructed to eliminate all statutes that have been repealed either directly or by implication, and in doing this work we must decide what the legislative assembly intended in each instance, because we are not making the laws; we are revising it and setting it up to express the intended meaning that the legislative assembly had in mind.

For your information, and amusement to some extent, I want to call your attention just briefly to a few of the things that I happened to pick up and bring up here that we have run into among the laws that we are trying to revise.

Here is Chapter 186 of the 1923 Session Laws. It does not make any particular difference what the subject is that it covers but it is a subject that had been covered by many previous legislative enactments and we imagined that the 1923 act would be substituted for everything that had gone before or that all of the previous provisions on that same subject were repealed by implication when the 1923 section went into effect, in Section 6 of the act we found this:

"This Act shall not operate to amend or repeal any existing legislation, but shall be held to be alternative thereto and independent thereof."

We changed our minds and thought that now we would have to put in those former provisions because this 1923 act did not repeal anything whatsoever but was merely supplemental to former statutes. Then, in Section 7 of that chapter, we found this:

"All acts and parts of acts in conflict herewith are hereby repealed."

And so we are required to guess whether the amendment repealed nothing, as provided under Section 6, or whether the repeal was effected as stated in Section 7.

Here, for instance, is a section of the 1915 Session Laws dealing with county seat removal. It started with a provision that the location had to be determined at an election carried by a certain percentage of the vote, and then the legislative assembly went to work on it. To begin with they added a provision that this act did not apply if the county has no court house, or if it has a court house building and jail of an actual cash value of not more than \$10,000. Then, by amendment, they added something else: And which court house at that time of filing the petition is situated in a city, town or village the nearest boundaries of which are less than 3 miles and 4000 feet from one of the boundary lines of said county or in a city, town or village not upon a railroad. Then somebody got another idea and they thought they'd do something about that, so they added another amendment: That this act shall not affect county seats within four miles of the state boundary line, nor county seats situated on sections 13 and 24. That was all in the first section of the bill and the act, rather a long act and then in the last section of the act we discovered something else that had been added. The end of the last section of the act is this: Provided, that the provisions of this act shall not apply to county seats located near or on the border of the Missouri river.

Now we are trying to decide just what the legislative assembly meant when it passed the statute. It is one of the problems with which we are confronted. These are some of the

peculiar things that we have run into. Some of your members of the Bar have no doubt run into some of them. In the 1913 Compiled Laws we found this section:

"The board of county commissioners shall have the power and authority to refuse to appropriate county funds for the aid and maintenance of any poor person who has received aid from the overseer of the poor, if it shall appear to the board after examining the report of the said overseer, that aid is necessary."

I don't know what the commissioners would do if they found that the aid was not necessary, but they can turn it down if it was necessary.

One of the attorneys practicing in the state said he was confronted in justice court by an excerpt from a newspaper. The item was cited by the justice of the peace to show that the lawyer had no standing in justice court. It stated that any person may act as attorney except a practicing attorney, or other person occupying the same room in which the justice has his office. The justice made the statement that this man was a practicing attorney and he had no business in justice court, and the attorney had considerable trouble trying to convince the justice of his right to appear in court.

Then there is the old one relating to hotels, providing that no hotel, restaurant, dining room or kitchen shall be used as a sleeping or dressing room. We are going to make it legal, of course, to sleep in a hotel, by removing the inappropriate comma.

Here is one for the members of the Bar. It provides that all other attorneys who have been duly admitted to practice by the supreme court of the state of North Dakota and by law exempted from the payment of the license fees, such members shall be entitled to all of the rights and privileges of the Association. Of course the lawyer who has paid the license fee will not come within the definition of "any other person" so I presume none of us has a right to practice.

Here is one that appears three times in the code, once in connection with the powers of the city council, and with the powers of the village board, and the powers of the city commission. Here it is: Each one of these governing bodies has the right to compel the owner of any grocery, cellar, stable, pigsty, privy, sewer or other unwholesome or nauseous house or place, to clean, abate or remove the same, and to regulate the location thereof. Some where, 'way back in the dim, dark past, they didn't have a very good conception of grocery stores, calling them unwholesome or nauseous places, and so we checked back to see why that was and we found that formerly a grocery store was a bar-room and they had kept on using the word in all the statutes after that change in meaning.

In reporting the progress of this work I want to tell you just a little about the personnel of those engaged in the work.

In the first place Mr. Young and Mr. Duffy, who are members of the Code Revision Commission, have given a great deal of their time to this work. Then I am working full time on the revision. We have as assistant revisers three lawyers of this state, graduates of the University of North Dakota, and incidentally people who are doing excellent work—doing better work than I ever expected we would do and I expected a great deal at the start. They are Paul Agneberg, Marian Jane Leslie, and Harold Hager. I would like to have you get acquainted with these young folks before you leave and get an idea of these people who are working on the revision. We have a very competent secretary, Miss Maybelle Gulling, whom you met at the convention last year, and we have three stenographers. You will want to know something about the funds of this Code Revision work. We have expended \$22,456.24. Incidentally we have contracted and paid for most of the supplies that will be needed to make the final report to the legislative assembly, including 1,500,000 sheets of paper, to give you some idea of the magnitude of this task that we are engaged in. The balance of funds remaining is \$30,923.76, and we think we will be able to complete the work with that balance.

At the end of last year we prepared a report for the 1941 Legislative Assembly. It was a privilege to be able to go before the legislative assembly and explain the situation to the members. I think it will help very appreciably in the work of 1943. So that you may know, the report made to the 1941 legislative assembly consisted of two volumes of typewritten pages, of about 800 pages. These titles were included, and as I give you these titles you can observe how the titles will be set up in the code: Aeronautics; Agency; Agriculture; Banks and Banking; Building and Loan Associations; Carriage; Contracts and Contractors; Crimes and Punishments; Domestic Relations and Persons; and Liens.

Now in addition to those completed titles we made several recommendations to the legislative assembly in order to get the assistance of the legislative assembly in removing obsolete matter from the code. We recommended first the adoption of an act authorizing the Supreme Court to adopt rules of practice and procedure. We also recommended the adoption of an act to adopt uniform practice and procedure before administrative bodies. In one of the sectional meetings that act will be discussed. We recommended the repeal of the law providing for a state transportation officer. There had been no appropriation made for many years and there wasn't any provision in the statute for the transportation of prisoners to the penitentiary or patients to the asylum or people to the training school.

We recommended a repeal of the law providing for the operation of the penitentiary brickyard and the dismantling of the plant, and that was passed. We recommended an act providing uniform punishment for the various degrees of burglary, and that was adopted. We recommended repeal of the act authoriz-

ing the use of county jail prisoners for road work on the ground that the provision was obsolete and it had never been used, and it was repealed. We recommended the repeal of four sections of the 1913 Code providing for municipal wool markets, as obsolete, and they were repealed. We recommended the repeal of S. L. 1929, chapter 138, an act providing for a grain storage commissioner, and the legislative assembly repealed this act.

We wrote to every county in the state to ascertain whether or not the Torrens Title law, consisting of some eighty-two sections, adopted in 1917, had ever been used in any county in North Dakota, and we received replies from every county in the state that that act had never been used. We recommended that it be repealed and it was repealed by the legislative assembly.

We recommended, looking forward to our report in 1943, the appointment of an interim legislative committee, to go over the work of the Code Revision Commission and make tentative arrangements for publication of the revised code, and to make a report to the 1943 session relative to the adoption of the report of the Code Revision Commission on the code.

Since we made our report to the 1941 legislative assembly the Code Revision Commission has completed the following titles: Alcoholic Beverages; Corporations; Counties; Education; Fences; Fires; Municipal Government; Negotiable Instruments; and Townships. And the following titles are completed except for the final check by the commission: Employment; Weapons; Foods; Drugs, Oils and Compounds; Fraudulent Conveyances; Guaranty, Indemnity, and Surety; Insane and Feeble Minded; Insurance; Livestock; Militia, Soldiers, and Sailors; Probate Procedure; Judicial Procedure, Civil.

Now, members of the Bar have asked me of the work that is being done by the Code Revision Commission. I want the members of the Bar to understand the amount of work which Mr. Young and Mr. Duffy are doing as members of this commission. We check every revised act so that the amount of work done on the code by these men is evident. They have spent over 140 days working in connection with the code revision, and they have spent, in addition, 45 days in attending meetings of the Code Revision Commission. Each revised section is checked by the Code Revision Commission and each detail is discussed and then it is sent to a committee of lawyers or to the department at the capitol which is covered by that particular title and then gone over again, and many suggestions are made.

The legislative assembly in 1941 adopted the repeals which we have suggested and at this session, on behalf of the Code Revision Commission, I want to express our thanks to the members of the committees appointed by the senate and the house to cooperate with us, Senators Kehoe, Olson of Mountrail, and Fowler, who were appointed by the senate, as the Senate Committee on Code Revision, and Representatives Shure, Beede, and Aker, who were appointed by the house.

Now, I mentioned that we have recommended the adoption of an act recognizing the rule making powers of the Supreme Court. We think that this act, to the members of the Bar, is one of considerable interest. It is going to mean a great deal to the administration of justice in the State of North Dakota. It required a lot of study by a committee headed by Judge Grimson, with J. J. Kehoe, Nels G. Johnson, and E. T. Conmy, as the other members, and Mr. A. M. Kvello, prior to his death, and thereafter by Mr. S. D. Adams. Incidentally, Mr. Kvello rendered wonderful service to the Code Commission and to Judge Grimson's committee, and on that committee Judge A. M. Christianson was delegated by the Supreme Court as advisory member. This act recognizes the rule making powers of the Supreme Court; provides that existing statutes of procedure shall be continued in effect as rules of court until altered by the Supreme Court; provides that procedural statutes exist as rules of court; authorizes the Supreme Court to amend rules promulgated by it and statutes governing procedure; permits the Supreme Court to make new rules; provides for hearings on rules before the same are promulgated by the court; provides for making of a complaint to the Supreme Court against rules, and for hearings on such complaints; provides for giving notice of the effective dates of the rules promulgated by the court; and authorizes the Supreme Court to make rules governing the practice of law and for the admission, disbarment, discipline, and reinstatement of attorneys at law.

I would especially ask each member of the Bar to read that act because in connection with this revision we are going to get out the rules of practice and procedure, which covers the practice and procedure in all the courts in this state. We are going to get it out and send one copy to each member of the Bar and to each judge in the State of North Dakota, and we are going to ask that suitable consideration be given to these rules so that we may have the best set of rules presented to the Supreme Court for its consideration.

I also alluded to the adoption of an act to make uniform rules of practice before the administrative bodies, which is S. L. 1941, Chapter 240, which went into effect July 1st, and merits the consideration of every member of the Bar. This act was drawn by a committee consisting of Clyde Duffy, Iver Acker, and M. K. Higgins. It has as its purpose the protection of the rights of parties appearing before administrative bodies, and furnishes to attorneys practicing before such bodies uniform rules of practice, and requires the administrative bodies to have copies of the rules available to attorneys and all persons interested.

I just want to mention here, in passing, that in a recent issue of the Journal of the American Judiciary Society, the issue of August, 1941, at page 43, in an article entitled "North Dakota Headed Toward Achievement" very favorable comment is made on the two acts which I have just mentioned to you.

At the 1941 session the interim committee was appointed and this committee consists of Senators Kehoe and Streibel and Representatives Beede and Trydahl. These men have been giving some great service to the Code Commission. We send each revised section to the members of this committee and their comments and criticism show that these men are really giving their best attention to the job. The legislative assembly appropriated, under the resolution, \$1500.00 for the use of the interim committee. The 1941 session extended the powers of the Code Commission and provided that the acts of the twenty-eighth legislative assembly, which is the 1943 session, would be included in the code. The 1941 session provided that the Code Revision Commission is required to furnish 54 copies of the report for the senate and 118 copies for the house of representatives. Each report will be from ten to fourteen volumes and we are required to furnish 54 for the senate and 118 for the house of representatives. The report which will be made to the legislative assembly will contain all of the revisions and revisers' notes. The legislative assembly has also required that copies of the report shall be bound for the State Law Library, the library of the University Law School, each judge of the Supreme Court and each judge of the District Court. The commission intends to prepare a statute for the adoption of the 1943 Code as a whole. The legislative committee will make its report, and then all acts of the 1943 session will be based on the new 1943 Code; so that for two years we will be able to practice law with one set of books, and not have any session laws to bother with. Everything will be included in that code when it comes out.

The Joint Interim Committee is going to secure bids for printing and will be prepared to make recommendations on the style of printing to be adopted and style of type to be used. We want to have that out of the way before the 1943 legislative assembly adjourns so that the new code can be placed in the hands of the attorneys and officers of the state prior to July 1st, before it goes into effect.

We want again to express our thanks for the work that was done by a committee of county judges, which consisted of Judges J. J. Funke, E. C. Lebacken, Henry Lemke, F. G. Kneeland and C. L. Bone. That committee went over the probate code and made some very valuable suggestions to the Code Commission. In these copies that will be sent to each attorney there will be included the Civil Code, the Criminal Code, and the Probate Code, and we want your suggestions in connection with that.

There remain among the titles that are not fully finished the following titles: Criminal procedure; Judicial Remedies; Judicial Proof; Elections; Game, Fish and Predatory Animals; Health and Safety; Highways, Bridges and Ferries; Historical Data; Judicial Branch of Government; Lending and Hiring of Personal Property; Mines, Quarries, Oil and Gas; Minors; Motor Vehicles; Nuisances; Obligations; Offices and Officers; Partner-

ship; Public Assistance; Property; Public Buildings and Institutions; Public Utilities; Recreation, Sports, and Amusements; Sales and Exchange; State Government; Governmental Finance; Succession, Descent, and Wills; Taxation; Trusts, Uses and Powers; Warehousing and Deposit; Waters; Weeds; Weights, Measures, and Grades; Workmen's Compensation; General Provisions; and Occupations and Professions.

Now, this gives you an idea of what remains to be done in connection with this revision. I give you these titles for these reasons: I want again to ask members of the Bar and Bench of this state to give the Code Revision Commission just as much cooperation as you can. It is absolutely essential that the lawyers of the state and the judges of the state cooperate with the commission in calling our attention to provisions and sections that need correcting. Some of the members of the Bar have given us that assistance. When the commission receives a suggestion it is placed in the file corresponding to the title dealing with that subject, and that suggestion is considered when the revision is made. You cannot realize how valuable those comments are to us. It is an utter impossibility for three members of the Code Commission, and including five members of the Supreme Court, because the court has worked with us a great deal and given us a great amount of help, for these eight men to know about all the conflicts and ambiguities in our statutes. We have got to have comments and suggestions from every single member of the Bar to do a good job; and so what I want to impress upon you along that line is that if you come across anything in the statutes that is not clear and definite, or sections that duplicate each other or are in conflict with each other, jot those down and drop a letter to the Code Commission and ask them to do something about it. It is going to help us a lot to make the best code that can be made in the time allotted to us.

Several attorneys have asked me about the indexing of the code and called my attention to the fact that the indexing should be very carefully done. When each section is revised it is fully indexed, because it is easier to cut down the index than to build it up.

We have been asked about annotations. This is a problem that has caused a considerable amount of discussion as to whether the annotations should be placed at the end of each section or in a separate volume. In the very near future we are going to ask the members of the Bar and Bench to give us their ideas on that particular proposition. We would like to have you look over some of the codes that use one system and some of the codes that use the other. We are going to use what might be termed a headnote method so that attorneys in looking at the citation can get an idea whether or not the particular citation is one for which they are looking. The West Publishing Company has authorized us to use such headnotes as we wish, and the Lawyers Cooperative Company has authorized us to use the

annotations in the 1913 and 1925 Codes. We are going to limit the annotations to the decisions of the North Dakota Supreme Court and of federal courts which construe North Dakota statutes, so that we can truthfully make the statement that we are going to use the annotations to make the code more usable by the attorneys and the officers of the state. After you have looked up the other codes that are available we want you to be prepared to tell us how you think our code should be annotated, and whether the annotations ought to be placed in a separate volume or whether the annotations should follow the sections to which they refer.

I think the work is progressing very nicely. I think we are going to be in position to report this code as a completed job to the 1943 session. We are going to have the proof reading to do, and we are going to incorporate the acts of the 1943 session before the code is complete. I think if nothing intervenes and if most of us or some of us are not called away because of the national crisis, I think we can say to the members of the Bar and the North Dakota judges that you will have this new revised code which you have been looking for ever since the publication of the Revised Code of 1895, in your hands before July 1st, 1943, and the code will go into effect at that time.

MR. NILLES: Thank you very much, Mr. Kuhfeld, for that very instructive report on the progress of code revision. I would like to make an announcement as to a change that has been made on the program. At two o'clock Friday afternoon there is scheduled the awarding of prizes by the committee on law book prizes. At the request of the local committee here the date of that event has been changed. The law books and other prizes to be distributed will be awarded at the banquet. In that connection my attention has been called to the fact that the typewritten program indicates that the annual dinner will be at six o'clock and will be preceded by the president's reception at 5:30. May I ask whether that is a typographical error or whether the change has been made.

MR. C. L. YOUNG: The change has been made.

MR. NILLES: So that we may all understand, there will be the president's reception at 6:30 and the annual banquet at 7 o'clock. I should like to inquire if the standing committee on Jurisprudence and Law Reform, of which Judge Hutchinson is chairman, is ready to report.

JUDGE W. H. HUTCHINSON: I am ready to report.

MR. NILLES: I will recognize Judge Hutchinson.

REPORT ON COMMITTEE ON JURISPRUDENCE AND LAW REFORM

HON. W. H. HUTCHINSON: Mr. President, Members of the North Dakota Bar Association, your committee on jurisprudence and law reform makes the following report:

The last few years have witnessed great and important changes in the administration of justice. Changes in substantive law come more readily, for substantive law must necessarily keep pace with the growth of the state and the ever-changing economic and social life of the people. But procedural law tends to solidify. Lawyers and judges are prone to think that the rules which are known to them are always simple and direct. To learn new rules of procedure requires effort, and we are inclined to take the road of least resistance. And yet from the standpoint of the welfare of the ordinary citizen, prompt, efficient and inexpensive procedure is absolutely necessary if we would have the benefits of sound substantive law. The promulgation of the rules of civil procedure for the Courts of the United States was a most important forward step and it has had a profound influence in bringing about needed changes in nearly every state of the Union. The Supreme Court of the United States has now been given the power to adopt simple and efficient rules of criminal procedure, and we have every reason to believe that when these rules are adopted they will be a model which the states may well follow.

The opportunity to recodify the laws of North Dakota has given the people of our state a most favorable occasion to bring about some improvements in our procedural law. The 1941 legislature, recognizing the fact that rules of practice should be declared by lawyers and judges, passed an act giving our Supreme Court the power to make rules of practice and procedure for the administration of civil and criminal justice. This is a most progressive and comprehensive act for it provides that all statutes relating to pleadings, practice and procedure in both criminal and civil actions now existing or hereafter enacted shall only have the force of rules of court and shall remain in effect only until altered or amended by rules promulgated by the Supreme Court. Committees are now at work assisting the Supreme Court in the drafting of civil and criminal rules of procedure. We understand that the committees have decided to use the model criminal code which was prepared by the American Law Institute as the basis for the rules of criminal procedure, and the Federal Rules of Civil Procedure in the matter of the rules of practice in civil actions. We commend the committees in their decision. Improvement in criminal procedure has been up for consideration by this association for a number of sessions. Honorable James Morris, when attorney-general, proposed new legislation looking to the adoption of the Criminal Code prepared by the American Law Institute, and in this he had the approval of this association. It now appears more certain that the procedural changes long advocated by this association will become realities.

The 1941 legislature took another forward step in the act establishing a state farm as a correctional institution for male violators of the law. Many other states have work farms. Where properly administered they have been termed successful.

Like many institutions, the all-important factor is the man in charge. The Judicial Council has made an extensive study of this matter of a work farm and sponsored this act. No doubt this sponsorship was largely responsible for its passage. Many district judges will welcome this privilege of sending young first-offenders to the work farm rather than to the state penitentiary. Your committee believes that this act should have a thorough trial with full cooperation of the citizens of this state and the members of this association.

There was one other act passed by the 1941 legislature which may merit our attention. It is an act providing for the establishment of Community Youth Councils. So far as we have been able to ascertain, no other state has such a law. Its purpose is to co-ordinate all community agencies engaged in any activity looking toward the better utilization of the leisure time of our youth. Any one who has had contact with the work of the juvenile court can appreciate the neglect of many communities to make any provision for healthful and wholesome outlets for the energies and inherent love of adventure of their young people. We must recognize the fact that many, many homes are entirely inadequate and that the public must do something in a community way to partially at least overcome these deficiencies. If this law will stimulate community interest in the welfare of our young people and will tend to make more effective our present agencies by promoting harmony and better organization, it will justify itself. The members of this association, who are generally leaders in their communities, can be of great assistance in accelerating the use of this act.

Respectfully Submitted,

WM. H. HUTCHINSON
JAMES MORRIS
A. J. GRONNA
G. GRIMSON
O. G. BURR

MR. NILLES: Unless there is objection this report will be filed and printed in the annual number of Bar Briefs. I will now inquire as to the standing committee on Legal Education and Admission to the Bar.

MR. C. J. MURPHY: In the absence of Dean Thormodsgaard, the chairman, I have some suggestions to make. I signed this report but I don't know what is in it. I wouldn't understand the language used if I had read the report. I don't know anything about the subjects covered and I rather surmise that a majority of the lawyers here wouldn't understand the report if it was read to them. Therefore, I suggest that the reading of this report be dispensed with, that it be published in the regular journal, and we can all then find interpreters if we desire to read it.

MR. NILLES: If there is no objection the report will be filed and printed in the annual number of Bar Briefs.

REPORT OF COMMITTEE ON LEGAL EDUCATION AND ADMISSION TO THE BAR

Your committee on Legal Education and Admission to the Bar reports: From 1920 to 1940 the trends in legal education and bar admission were constructive. By means of publicity and education, nearly all the states have adopted the standards of The American Bar Association. Only seven states have no pre-legal college requirements. Due to the economic development in the United States, law teachers emphasized the necessity of correlating the study of law with the social sciences. Books on legal history, legal philosophy and legal treatises were published in large numbers. Excellent and prodigious books have been published for the benefit of lawyers, law teachers and law students. The American Law Institute has prepared and published several Restatements of the general common law of the United States. The National Conference of Commissioners on Uniform Laws have prepared for adoption several uniform state laws. The past twenty years were productive in legal research and legal scholarship. During this period, law schools and law students throughout the nation increased in number and in quality.

War throughout Europe, Africa, and Asia has affected the legal order everywhere. In the United States, we have carried on under several declared national emergencies. We may wonder how the field of legal education will be affected by the growth of the national defense plans. Figures as to the total law school attendance in the United States by years and the law school attendance in the University of North Dakota School of Law will indicate what happened during the first World War and may indicate what may happen during the present World War.

School Year	Total—Law Students in United States	University of North Dakota School of Law
1915-1916	22,217	65
1916-1917	23,291	80
1917-1918	14,000	25
1918-1919	7,000	18
1919-1920	24,503	30
1920-1921	27,100	25
1921-1922	32,000	26
1922-1923	36,141	31
1923-1924	37,627	44
1924-1925	42,743	52
1925-1926	44,340	56
1926-1927	47,357	62
1927-1928	48,593	64
1928-1929	48,942	67
1929-1930	46,751	69
1930-1931	43,323	76
1931-1932	42,165	67

1932-1933	41,153	65
1933-1934	38,771	77
1934-1935	37,872	77
1935-1936	41,418	73
1936-1937	40,529	63
1937-1938	38,056	58
1938-1939	37,406	72
1939-1940	34,539	70
1940-1941	29,822	67

The total enrollment of law students in 1917 was fifty-two (52) per cent of the 1916 enrollment. The enrollment for the war year 1918 was twenty-one (21) per cent of the 1916 enrollment. While in North Dakota the law school enrollment in 1917 was only thirty-three (33) per cent of the 1916 enrollment and twenty-two (22) per cent in 1918 of the 1916 enrollment. It is a known fact that a large majority of law students are of age. They enlisted or were subject to the draft in 1917, and now the law students may enlist or are subject to the Selective Service act of 1940. The above figures indicate a very rapid increase in law students immediately after the first World War and we have reasons to believe that similar trends will take place after this emergency is over. In the midst of this emergency period, the University of North Dakota School of Law on June 10, successfully concluded its forty-second school year. There are sixty-six law students. Fifteen graduated from the law school.

In a representative government, lawyers are essential. There has been no time when we have had too many legally trained men and women. We should remind ourselves that Blackstone's Commentaries were originally published not for the lawyer and the law students as such, but for gentlemen of estates, the nobility, the clergy and the educated laymen—that is for those men who shaped the public and political life of Great Britain. Now the millions of voters in the United States are master of this nation. Many of them do not have the necessary elementary knowledge of the law to make them intelligent voters and worthy American citizens. We do know that the men who guide the destinies of communities and cities in this state and other states have had a legal education. They may or may not practice law. Law schools must do more than train practicing lawyers. They must be schools of true Americanism. They must educate legally trained leaders who will guide the social, political and economic changes of the future. The history of English and American laws has been the history of the struggle between the extreme principles of individualism and the adverse principles of collectivism. To be assured of the continuation of sane representative government, our legally trained leaders must make a wise compromise between these two extremes.

We are standing on the threshold of great developments in the social, the economic and the political life of America, developments of profound significance to the welfare of American citizens. The present and the immediate future demand, a broad

constructive policy and an active cooperation on the part of judges, law teachers and the active profession in a sustained effort to meet the needs of legal education in the state of North Dakota. The needs of legal education in the state of North Dakota mean three distinct purposes or objectives:

First, we refer to the problem of adequate pre-legal and legal training for admission to the bar. As to this objective, we have made progress. We have adopted the standards of The American Bar Association as to pre-legal and legal education. The University of North Dakota School of Law, during its forty-two years of existence, has granted 665 law degrees to competent men and women.

The second objective of legal education is that the judges, lawyers, law teachers and bar associations should educate the laymen to have respect for law and order. Every representative government must have popular support and esteem. We must foster the democratic idea of government by law rather than government by men and executive decrees.

The third objective of legal education is that legal education should not stop with admission to the bar. In recent years the American Bar Association, State Bar Associations and local bar associations have fostered legal clinics and special lectures for the benefit of their members. Lawyers in recent years have found it necessary to make a study of Administrative Law, Constitutional Law, Labor Law, Federal Procedure and Taxation.

Respectfully submitted,

OLAF H. THORMODSGARD, Chairman.
O. B. BURTNESS
CARROLL E. DAY
C. J. MURPHY
S. THEO. REX

MR. NILLES: May I ask if the Legislative Committee, of which Mr. George Shafer is chairman, is ready to report.

MR. GEORGE F. SHAFER: Mr. President, may I say that the report of the Legislative Committee was prepared by myself. I signed it. I chose all the words therein carefully and I claim to understand it.

REPORT OF LEGISLATIVE COMMITTEE OF STATE BAR ASSOCIATION

The Legislative Committee, begs leave to submit the following report:

During the past year, the Legislative Committee has had no active duties to perform. This is due in part to the fact that the association did not adopt any legislative recommendations requiring the attention of this committee at its last annual meeting, and in part to the fact that the legislature, on recommenda-

tion of the Code Revision Commission, created a special committee on Code Revision, which special committee sponsored certain legislation of interest to the members of the State Bar Association, particularly Chapter 238, S. L. 1941, relating to the rule making power of the Supreme Court in respect to pleading, practice and procedural matters, and Chapter 240, S. L. 1941, establishing uniform rules of practice for administrative agencies. In view of the far reaching importance of the two legislative measures herein referred to, we wish to direct the attention of the members of the association to the provisions of such measures, and we shall not attempt to describe or analyze their contents or legal effect.

Respectfully submitted,

Legislative Committee
BY GEO. F. SHAFER, Chairman.

Dated September 18, 1941.

MR. NILLES: Unless there is objection the report will be filed and printed. I would like to inquire whether the Committee on American Law Institute is ready to report. Mr. Charles J. Vogel is chairman. That report will be passed. The report of the State Bar Board, by Mr. J. H. Newton, Secretary.

REPORT OF NORTH DAKOTA STATE BAR BOARD

Fiscal Year July 1, 1940 to June 30, 1941

MR. J. H. NEWTON: Mr. President; Members of the Bar Association: Though not required by statute, the State Bar Board, for some years past, has been making a voluntary report to the Bar Association, both as to the general activities and finances of the board.

Since the last report two examinations of applicants for admission to the Bar have been conducted. As a result of such examination forty-three were recommended for admission and admitted, and a recommendation made that one additional be admitted at such time as he has established a North Dakota residence.

During the period covered by this report there have been but few complaints of professional misconduct referred to and investigated by the Bar Board. As a result of investigations ordered the board has recommended to the Supreme Court the institution of disciplinary proceedings against two members of the Bar. These proceedings have been, or soon will be, heard before referees appointed by the court. The board, after investigation, recommended dismissal of two other complaints referred by the Supreme Court, and such recommendations were approved by the court. Action has been deferred on two complaints now in the hands of the board in order to give the attorneys against whom the charges are preferred an opportunity to make further showing. The board has considered the applica-

tion for reinstatement by an attorney previously disbarred and is about to make recommendation to the Supreme Court on this application.

The financial statement shows that during the period covered by this report the sum of \$5,300 was collected in license fees. Up to July 1, 1941 the sum of \$3,588 had been turned over to the Bar Association, and \$845 has been turned over to the association since July first.

Under the present law, out of each ten-dollar license fee, \$6.50 goes to the Bar Association and \$3.50 to the State Bar Board Fund. No expenses for attorneys fees or miscellaneous expense in connection with disbarment proceedings is included in the disbursements for this year but, even so, the expenses exceed the Bar Board's pro rata share of license fees. Due to the favorable balance on hand and the fact that there has been but a small expenditure of funds for prosecution of disbarment proceedings, the board will probably have sufficient funds to carry on its activities under the present arrangement until 1945, at which time it seems quite probable a reversion to a fifty-fifty division in the license fees will again be necessary.

The financial statement follows:

Balance July 1, 1940	\$4,274.48
Collections	5,300.00
Total	9,574.48
Disbursements July 1, 1940 to June 30, 1941	5,321.16
*Balance June 30, 1941	\$4,253.32
*Included in the above balance is the amount due the State Bar Association for period covered by this report, vouchered but warrant not issued, 130 licenses at \$6.50 each	
	\$ 845.00
Distribution of Disbursements	
State Bar Association	\$3,588.00
Salary and expenses of secretary	309.74
Per diem and expenses of members of State Bar Board	733.03
Postage	95.28
Supplies	22.55
Printing	135.14
Clerical hire to secretary and members of board	250.00
Furniture and fixtures	76.82
Miscellaneous	23.78
Judicial Council	86.82
Total Disbursements	\$5,321.16

Respectfully submitted,

State Bar Board
GEO. F. SHAFER President

ATTEST: J. W. NEWTON, Secretary

MR. NILLES: Unless there is objection or desire for discussion the report will be filed and printed. Now, the report of the standing committee on Uniform Laws, Judge Bronson.

REPORT OF COMMITTEE ON UNIFORM STATE LAWS

HON. H. A. BRONSON: Mr. Chairman, some times I am asked what is a uniform law and what are uniform laws.

This year at Indianapolis, Indiana, will witness the fifty-first annual Conference of the Commissioners on Uniform State Laws with an attendance which probably will disclose at least 80 per cent representation by each of the states of the Union. This conference was originally instituted by the American Bar Association and annually holds a meeting for the consideration of certain acts proposed and considered for purposes of uniform adoption as statutes in each of the states of the Union.

Thus far, North Dakota has adopted twenty-one uniform acts which have been issued and promulgated by this conference.

The great benefit of this conference has been the promotion and the adoption of Uniform State Acts in the field of legislation where uniformity of legislation is deemed desirable.

One of the most noteworthy accomplishments of this conference is the Negotiable Instrument Act which has been adopted in every state in the Union and has been a model for adoption in many foreign countries. The annotations to this Negotiable Instrument Act, now in force for many years, has become very extensive.

The conference in its work has drafted very few model acts. A so termed model act when prepared by the conference serves the purpose of being a model for the states that desire to adopt it if deemed advisable so to do. A Uniform Act on the contrary is an act which the conference after careful consideration recommends to all the states for adoption with the support of the American Bar Association.

At the meeting held in Philadelphia last year, the conference adopted two uniform acts: the Uniform Pistol Act covering the sale and handling of pistols and also a Uniform Act relating to a situation where persons died simultaneously in a common disaster. The conference also adopted three model acts: A Model Act covering Execution of Wills; also, a Model Power of Sale Mortgage Foreclosure Act, and also a Model Act covering Prices on Resale.

At our San Francisco meeting in 1939, the conference adopted a Uniform Statute of Limitations Act.

The general method of approving these uniform acts by the American Bar Association is a Committee Report made by the Chairman of the Commissioners on Uniform State Laws, and usually a Committee of the Board of Governors of the American

Bar Association takes under consideration this report, and unless there is desire to further consider the acts which have been adopted, they usually are approved, and then they become Uniform Acts which are recognized by the American Bar Association as Uniform Acts for adoption as such by the various states in the Union.

It is my understanding that the Code Commission which is revising our Code of Laws will consider the Uniform Acts which North Dakota has adopted and will make a few changes in such Uniform Acts so that the Uniform Acts that we have in force now will consistently agree with the Uniform Acts as presented and as theretofore adopted by our State Legislature.

Respectfully submitted,

HARRISON A. BRONSON, Chairman
IVAN METZGER
ROBERT PALDA
BENJAMIN GREENBERG

It was moved that the report be received, filed, and printed, which motion was duly seconded and carried.

MR. NILLES: I will ask if the committee on unauthorized practice, of which George F. Schafer is chairman, is ready to report.

REPORT OF COMMITTEE ON UNAUTHORIZED PRACTICE OF LAW OF STATE BAR ASSOCIATION

The Committee on Unauthorized Practice of Law, begs leave to submit the following report:

During the past year, this committee has received and considered only two complaints of alleged unauthorized practice of law. One of these complaints challenged the right of laymen to appear on behalf of a party to a suit tried in Justice Court. It was the theory of the complainant that the right of a layman to appear in Justice Court allowed by statute, had been repealed by implication as a result of the adoption of the general statute which prohibits the practice of law by anyone except licensed attorneys. After consideration, your committee reached the opinion that this complaint was not well founded.

Several complaints were received by the chairman of this committee pertaining to the alleged unauthorized practice of law by laymen in connection with the administration of the Frazier-Lemke Bankruptcy Act. It appears that for some time, certain individuals who are not licensed to practice law, have been promoting this particular type of bankruptcy proceedings in several western counties and elsewhere in the state, and that such laymen have performed services for compensation that are in the nature of legal services. This alleged unlawful practice and the prevention thereof, has been a subject of study and investigation during the past several months by the Attorney General's Office

under the direction of Assistant Attorney General Milton K. Higgins. The chairman of this committee had several conferences with Mr. Higgins relative to remedial proceedings, and it is our understanding that the Attorney General's Office intends, when its investigation of the subject is completed, to institute appropriate action designed to prevent such unlawful activities. Pending such proceedings, your committee has taken no independent action in these matters.

Respectfully submitted,

Committee on Unauthorized
Practice of Law.
By GEO. F. SHAFER, Chairman.

Dated September 18, 1941.

MR. NILLES: Does the association desire to discuss or take any action on this report other than to file it and print it on the record? There being apparently no desire for discussion it will be filed and printed. I will now ask for the report of the Executive Committee and of the Secretary-Treasurer. Our Secretary, Mr. McBride.

REPORT OF EXECUTIVE COMMITTEE

MR. M. L. MCBRIDE: I have attached to this, Mr. President, the secretary-treasurer's financial statement for the fiscal year.

During the past year the Executive Committee followed the procedure established in the past four years and held only the two meetings, one of the old committee and one of the new committee, at the time and place of the annual meeting, transacting all other business by mail.

On October 15th, President H. G. Nilles submitted his nominations for committee appointments, also the names of those members which he recommended as bar representatives on the Judicial Council. At this time he also submitted a proposed budget, which was adopted and which is as follows:

Bar Briefs, Annual Number	\$ 350.00
Bar Briefs, Monthly Numbers	350.00
Executive Committee	250.00
President's Expense	200.00
Annual meeting	300.00
Printing and Postage	200.00
Secretary-Treasurer-Editor	1,500.00
Ethics and Internal Affairs	200.00
Bar Board	60.00
Miscellaneous	400.00

Membership on the committees appointed is given in the annual number published last December. The budget as proposed was adopted.

No action was taken on the Code Revision appropriation as that is a separate matter from the budget and is taken care of outside our regular annual income.

At the meeting held by the Executive Committee on August 29th the committee approved the continuance of four pages for Case Notes to be furnished by the Law College of the State University for six issues.

The secretary was also instructed to secure bids on the publication of the Bar Briefs and a further saving was made in the sum of \$50.00 over a reduction secured the previous year.

Bar Briefs has again published all of the syllabi of decision of our Supreme Court in addition to four pages of Case Notes referred to above.

Early in 1941 an invitation of the Burleigh County Bar Association was accepted to hold the annual meeting for 1941 at Bismarck and the date was set for September 18 and 19th.

Am glad to report that all complaints against members have been satisfactorily adjusted, except in two cases and progress is being made on them. Members have cooperated in making satisfactory adjustments.

The volume of work in the secretary's office has continued to increase this year. There being correspondence with the American Bar Association in many instances. For instance, a special committee was appointed on the Bill of Rights. This committee has published the Bill of Rights Review. They requested a set up of a special committee by our association. This was in February. Later in the same month the American Bar association announced a program on the improvement of Judicial Administration and requested a special committee. This, however, was referred to our Committee on Jurisprudence. In March the American Bar Association requested a Committee on Cooperation with Inter-American Bar Associations. No action was taken on this because it called for a trip to Havana, Cuba. In April on the request of Pierce Butler, our President set up the American Citizenship Committee. Later on the American Bar Association proposed that we appoint a committee on Standardized Jury Instructions. No action was taken on this. The Executive unanimously endorsed our Vice President, Hon. H. A. Bronson, as a candidate for membership on the Board of Governors of the American Bar Association. President Nilles also appointed a special committee on Legal Clinics with George A. Soule as chairman; other members being Norman G. Tennesson and Neal E. Williams. In April, the American Bar Association solicited our support for a committee on Rules of Criminal Procedure to cooperate with the committee appointed by the Supreme Court of the United States and our President appointed; O. B. Herigstad, F. T. Cuthbert, John F. Sullivan, Charles F. Schafer, O. B. Burtness. Other matters referred to our associa-

tion was Economic Welfare of the Legal Profession; Bar organization activities. Also submitted for approval by the Executive Committee for submission to this annual meeting was the Code of Ethics of the American Bar Association.. This was unanimously approved by the Executive Committee and will be presented to this meeting for approval. On request of the American Bar Association, in cooperation with their Committee on National Defense, the President appointed a Committee on National Defense in this state, consisting of Hon. Alvin C. Strutz, Neal E. Williams, C. J. Murphy, L. J. Palda, Jr., Clyde Duffy, E. T. Conmy, George F. Shafer, O. B. Burtness and John Knauf. There was also held this year a Bar Board Referendum, which resulted in the selection of George F. Shafer by the Supreme Court as a member of the Bar Board, he having received the highest number of votes of the three members whose names were certified to the Supreme Court.

Correspondence has been carried on with several different states interested in setting up an integrated bar, including Florida, Utah and Oregon.

Many inquiries come to the Association in regard to various matters. For instance the Texas Bar Association sought information on whether a state bar association is an administrative agency of the state or not.

These are just illustrations of the many calls made upon your Secretary.

The records of the office show that I have written nearly two thousand letters in the course of the year.

The evening of September 18th, 1941 the final meeting of the year was held in Bismarck at which time the reports and accounts of the Secretary-Treasurer were read and approved subject to the report of the Auditing Committee; and the Auditing Committee found such accounts to be true and correct.

President Nilles with the concurrence of the Executive Committee appointed a Committee on Resolutions for the Annual Meeting as follows,—Hon. A. M. Christianson, Chairman, W. G. Ownes, Hon. G. Grimson, H. P. Remington, and Mack V. Traynor.

That this committee recommend to the association that a resolution be adopted endorsing S. B. 674 of the U. S. Senate providing for Judicial Review of Orders and Decisions of Federal Administrative bodies.

Other routine business concluded the session.

M. L. McBRIDE, Secretary.

BAR BRIEFS

SECRETARY-TREASURER'S FINANCIAL STATEMENT
FOR THE FISCAL YEAR

FROM JULY 1, 1940 to JUNE 30, 1941.

Balance Last Annual Meeting	\$3,037.54	
Balance 1939-1940 Account	600.00	
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Balance For New Administration	\$2,437.54	
Cash on Hand July 1st, 1940	\$3,037.54	
Received From 1940 Dues State Bar Board	\$ 286.00	
Received From Cass County Bar Assn. on Emergency Laws	15.00	
Received From State Bar Board Dues 1941	3,159.00	
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Total Amount Received During Year	\$3,460.00	
Cash on Hand July 1st, 1940	3,037.54	
<hr/>		
Total Amount	\$6,497.54	\$6,497.54

Expenditures

		Budget	
Balance 1939-1940 Account	\$ 600.00		
Bar Briefs—Annual Number	302.09	\$ 350.00	
Bar Briefs—Monthly Number	313.57	350.00	
Executive Committee Meetings ..	208.12	250.00	
President's Expense	218.85	200.00	
Printing and Postage	107.68	200.00	
Annual Meeting	366.78	300.00	
Secretary-Treasurer-Editor	1,500.00	1,500.00	
Ethics and Internal Affairs	188.77	200.00	
Bar Board Referendum	47.15	60.00	
Miscellaneous	462.93	400.00	
Code Revision	358.23		
<hr/>			
	\$4,674.17	\$3,810.00	\$4,674.17
Balance on Hand June 30th, 1940			\$1,823.37

We the undersigned, the Auditing Committee appointed to audit the account of the Secretary-Treasurer do hereby report that we find the accounts true and correct and do hereby approve the same.

HUGO P. REMINGTON
B. F. WHIPPLE
J. M. HANLEY

MR. MCBRIDE: In that connection I might add that comparing the period last year and this year on the payment of dues we find that last year at this time there were eighteen more who had paid their dues and with that we received, upon the 1940 dues, the sum of \$286.00, so that we have a right to plan on receiving \$390.00 more during this year up to January 1st and until the new dues come in to increase our balance.

MR. NILLES: May I ask, Mr. McBride; that you restate to the assembly the specific recommendations that were adopted with reference to the Code of Ethics of the American Bar Association.

MR. MCBRIDE: I might say that the code of ethics of the State Bar Association, which was adopted a good many years ago, was copied from the American Bar Association Code of Ethics of that time. Since that time that has been amended largely. They have added to it, especially in the last two years and it would seem to your officers that it would be very appropriate to adopt this code. The American Bar Association has given it a great deal of thought and study over a long period of years and we can get the benefit of all their work and study and it would seem very appropriate to adopt it. Our code that we have is very similar and a good many of the provisions that we have are in the Code of Ethics of the American Bar Association, and for that reason I believe that we should cooperate with them and adopt their code. I might say that there are only three or four states in the Union that have not adopted that code, and we are being strongly urged by the American Bar Association to do it at this session.

MR. NILLES: What is the please of the assembly on this report?

MR. C. J. MURPHY: I move that we adopt the Code of Ethics of the American Bar Association.

MR. E. E. PALMER: I second the motion.

(The motion was submitted to a vote and carried.)

MR. NILLES: I think it would be proper to consider separately from the general report the recommendation of the Executive Committee that this association go on record as supporting Senate Bill 674 which provides for a judicial review of the orders and decisions of federal administrative bodies. I might say that that legislation is substantially the Logan-Walker bill all over again. Your executive committee believes that the principle is sound. I will entertain a motion either to support that legislation or to refuse to support it.

MR. L. J. PALDA, JR.: I move that this association support the legislation.

HON. ALVIN STRUTZ: I second the motion.

(The motion was submitted to a vote and carried.)

MR. NILLES: The framing of an appropriate resolution on that subject will be delegated to the resolution committee. I might say with reference to the resolutions committee that I will request that that committee draft and submit to this assembly Friday afternoon at two o'clock such resolutions as it deems proper to be considered by this assembly, and also report upon any

other resolutions which may from time to time be referred to it. What is your pleasure with reference to the report of the Secretary-Treasurer and of the Executive Committee?

MR. C. J. MURPHY: I move that it be adopted.

(The motion was duly seconded, submitted to a vote, and carried.)

MR. NILLES: We have reached the time for adjournment. There are some announcements that I would like to make. First, there is considerable amount of literature at the registration desk that was not there when you came in. I might say that a great deal of this literature has been furnished to us. The ladies will have a luncheon at the Prince Hotel at 12:30. The men will be entertained at a luncheon at the Service Club room at the Grand Pacific Hotel as guests of the Burleigh County Bar Association.

THURSDAY, SEPTEMBER 18, 1:45 P. M.

MR. NILLES: I am very happy to announce that a member of this association, Lynn Stambaugh, has been elected Commander of the American Legion. Word was just received from the Associated Press. There were no details available. Would the association care to authorize a congratulatory telegram to Mr. Stambaugh?

(It was moved and seconded that the association send a telegram of congratulation to their brother member at the expense of the association, which motion carried.)

MR. NILLES: A few months ago the Honorable Andrew Miller, United States District Judge for the District of North Dakota, retired. His long service as a member of this association and as a member of the Federal Judiciary, as a Judge of one of our courts, deserves suitable recognition. This matter was referred to a special resolutions committee, of which the Honorable W. L. Nuessle is chairman. I would like to inquire of the chairman if that committee is ready to report.

HON. W. L. NUESSLE: It is.

MR. NILLES: I will recognize Judge Nuessle:

JUDGE NUESSLE: Mr. President, Members of the Bar Association, and Guests:

I do not know exactly how to preface the report of your committee. It has been said that a true and unprejudiced biography of a man cannot be written until he has been dead fifty years. What I am going to say is not in the nature of a biography, but is an effort at an expression of appreciation of one who is very much alive but who has honorably retired from active endeavor in the field in which he has labored long and faithfully.

The Honorable Andrew Miller, whom we older members of the Bar know as "Andy," having reached the age of seventy years, now sees fit to retire to private life after nineteen years as Judge of the United States District Court.

Judge Miller is a splendid example of what may be accomplished by a young man who is ambitious and who possesses character and ability. Born in Denmark, the son of a Lutheran minister, he was brought to this country by his parents when he was two years old. He was left an orphan at an early age and was thrown entirely on his own resources at the age of sixteen. He was not afraid of work and in his early youth he resolved to follow the law. He prepared himself accordingly and was admitted to the Bar of Iowa where he practiced successfully for several years. In 1904 he came to North Dakota and established himself in the practice of his chosen profession. His record in this state is known to every citizen.

I want, at this time, to pay a brief tribute to him, not only as a sound and successful lawyer, or as a learned and upright and just judge, but to him as a citizen. As a lawyer he was faithful to his clients. He always adhered to high ethical standards. As an officer he was true to the people who elected him and he never betrayed their trust. In the practice of law he had the respect and confidence of his fellow practitioners and of the courts in which he appeared as an attorney.

As a judge he administered justice fairly, honestly, and fearlessly. The attorneys who came into his court were treated courteously, and litigants received justice at his hands. He maintained all of the best traditions of the judiciary of our state and nation.

In his retirement we wish him well and we earnestly hope he may have many years of well earned leisure and that we all may have the benefit of his wisdom and counsel for many years to come.

Let us, then, salute him as an honest, able attorney, a faithful public officer, a just and upright judge, and a patriotic citizen of whom it can be said: "He loved his fellow men."

And, Mr. Chairman, your committee recommends the adoption of the resolution which I shall now read and which embodies substantially what I have just said. The resolution is as follows:

RESOLUTION

WHEREAS, the Honorable Andrew Miller, having reached the age of retirement after a long and successful career as Judge of the United States Court for the District of North Dakota, has seen fit to relinquish his position on the Bench and retire to private life, and

WHEREAS, Judge Miller, as one of the leading citizens of North Dakota has done faithfully and well whatever task he has

been called upon as a private citizen to perform, and as an outstanding lawyer and successful and devoted state and federal officer has brought honor and distinction to himself as well as to the Bar of this State, it is fitting and proper that the members of this association manifest their regard for him and his accomplishments as one of their number and for his worth as a citizen, lawyer, state officer and Federal Judge:

NOW THEREFORE BE IT RESOLVED, that the members of the Bar Association of the State of North Dakota evidence their high appreciation of the services of Judge Miller and set forth the qualities that they believe have made for his success as a judge:-

His wide knowledge of the law and his fearlessness in its impersonal application to each set of facts as they arose;

His unusual ability to discern the vital issues in and to analyze the facts of a lawsuit and to make a vivid and lucid statement thereof;

His kind, courteous and considerate treatment of litigants and their counsel;

His impartiality and, coupled with that, his desire and ability to see that justice was done to all parties who appeared in his court;

His faculty for instructing a jury so that laymen easily understood the issues and were enabled to apply the law, as he gave it, to the facts;

His broad humanity and his understanding of the frailties of man and his aptitude for taking them into consideration in administering justice.

AND BE IT FURTHER RESOLVED, that though we regret that our state and nation will no longer have the benefit of his active service on the Bench, we express to him our gratitude and appreciation for what he has done as a citizen, an officer, and a judge, and extend to him our sincere wish that he may have many years of well-earned leisure after the cares of official life, and that he and his family may enjoy health, comfort and happiness.

We further express the hope that we, his friends and associates, our state and our country, may, for many years to come, have the benefit of his wisdom and counsel.

BE IT FURTHER RESOLVED, that a copy of this Resolution be spread on the Minutes of this association and that an engrossed copy thereof, attested by the President and Secretary, be presented to Judge Miller.

Dated at Bismarck, North Dakota, this eighteenth day of September, Nineteen hundred and forty-one.



HON. ANDREW MILLER
U. S. District Judge for North Dakota
Retired

And I move, Mr. President, that this resolution be referred to the Committee on Resolutions with a view that it may be adopted and that recognition of Judge Miller may thereby be included in the Bar Briefs together with this resolution.

MR. OVERSON: I don't know whether the remarks made by the judge are to be printed in the report. If not, I move that they be made a part of the minutes of this meeting and that they be printed. I think it would be fitting to have those remarks included.

MR. NILLES: The Chair rules that resolutions presented by special committees need not be referred to the Resolutions Committee, and will entertain a second to the motion to adopt the resolution.

(The motion was seconded and duly carried.)

MR. NILLES: A year ago a special committee was appointed to see what, if anything, the legal profession might contribute in the matter of the nation's effort toward national defense, and in any event to be a set-up to render whatever assistance the legal profession might render in that respect. Honorable Alvin A. Strutz, Attorney General, is the chairman of that committee and I would like to inquire if that committee is ready to report.

HON. ALVIN C. STRUTZ: It is.

MR. NILLES: I will recognize Mr. Strutz:

REPORT OF COMMITTEE ON NATIONAL DEFENSE

Your committee on National Defense respectfully submits the following report:

We believe that the members of the legal profession owe a very particular and distinct duty to our country in these times of crisis. The special capacities of the profession must be organized to give effective service to the advancement of our country's welfare.

The primary objective of all defense efforts must be to protect and preserve the liberties and free institutions of the American people. Those institutions are legal in their basic character, and members of the bar have special training both in the understanding of the rights and privileges of free men and in the principles of the administration of those rights and privileges.

In the defense of any nation there are three primary elements: men, material and morale. Your committee on National Defense feels that the capacities of the bar should be organized with special reference to the matter of morale. Morale includes the general attitude of our people toward our democratic institutions, and in particular the belief and conviction of our people that such institutions are not only essential and desirable, but that they are being properly administered.

It is the duty of a lawyer in representing his client, to protect the rights of that client by every proper means and with the utmost diligence. In the matter of National Defense, and particularly in that phase of National Defense known as "Morale," the organized bar is the public's lawyer, and will perform to the best of its ability the works of defending public rights.

Already some of the local bar associations in the state have adopted resolutions, offering to extend free legal aid to soldiers in the service of their country. One county bar association has reported that it has adopted plans for the "fair treatment" of families of absent soldiers, marines and men in the navy, for the duration of the present National emergency. Your committee recommends that the advice and services of the entire Bar be made available to the men in the army and navy, the marine corps and the coast guard, and to the women in the various branches of service, such as the army and navy nurse corps; that the services of the Bar be made available to the men called for training under the selective service act, and to the families and dependents of those men and women.

Your committee further recommends that the members of the bar play a leading role in an educational program designed to strengthen the faith of our people in our democratic institutions, and in strengthening the conviction of our people that our democratic institutions are not only desirable but are an absolute necessity to the welfare and happiness of every American citizen.

Respectfully submitted,

NEAL E. WILLIAMS

C. J. MURPHY

CLYDE DUFFY

E. T. CONMY

O. B. BURTNESS

JOHN KNAUF

L. J. PALDA, JR.

GEO. F. SHAFER

ALVIN C. STRUTZ

Committee on National Defense.

I might add that there was some feeling among the members of this committee that this educational program which is designed to strengthen the faith of our people in our democratic institutions should also be recommended to men in places of authority in our government. Mr. President, I submit the report of that committee.

MR. NILLES: Unless there is an objection it will be filed and printed.

At this meeting we have had registered and there have been present a number of distinguished guests. I would like to introduce some of them to you. I think a great many of them are personally known to a great many of you. We of the association

feel highly honored in their attendance here at Bismarck, particularly of those whose names I am about to read. As the names are called I wonder if those present will rise and take a bow. First we have present all, I believe, excepting one of the past presidents of this association. Among those present are, my good friend, Mr. C. L. Young, of Bismarck, my good friend, John Lewis, formerly of Minot; Mr. Fred Traynor, of Devils Lake; Judge Hutchinson; Charley Foster, of Bismarck; Charley Murphy, of Grand Forks; L. J. Palda, Jr., of Minot; Judge Wartner, of Harvey; Clyde Duffy, of Devils Lake. We have also been favored with the attendance of the entire Supreme Court: Judge Christianson, Judge Burr, Judge Nuessle, Judge Morris, and Judge Burke; the District Judges: Judge Kneeshaw; Judge Grimson, Judge McKenna, Judge Berry, Judge Jansonius, Judge Buttz, Judge Lempke; Judge Hutchinson has already stood up so I won't ask him to stand again.

MR. E. J. TAYLOR: Mr. President, I believe you overlooked one of the former Presidents of this Association, Judge Ellsworth.

MR. NILLES: I beg your pardon. He wasn't here when this list was made up. Judge Ellsworth, is he here?

The association is fortunate in having available a man who has given at least eighteen years of his services as Reporter of the Supreme Court. During that period of time, and also during the years previously, when he was a resident of Grand Forks, he has accumulated a great deal of information about the Supreme Court's history. Mr. E. J. Taylor has kindly consented to give us here what has been entitled a History of the North Dakota Supreme Court, and I now take pleasure in presenting Mr. Taylor:

HON. E. J. TAYLOR: Mr. President, Gentlemen of the Bar Association:

Your greeting me as you have reminds me of an entertainment that was put on in Grand Forks by Bill Nye forty-five years ago. When he came out on the stage he was greeted with a great round of applause and he thanked the audience very kindly and said: "I am sure I am going to have some applause, anyway." I understand that the time set on the program for your sectional meetings is 2:45. I also notice there is a report of a committee which is to follow my remarks, and I wish to assure you that I shall not take more than my share of the time. I am not going to attempt an oration, but I am going to talk for a few minutes. My talk will have one virtue, which I believe you all will appreciate, and that is that it is going to be short. I wish to digress a little from the announced subject. As President Nilles has said, through the kindness and tolerance of the Supreme Court I have been permitted to have had charge of the law library for a number of years. Mr. Nilles spoke of my having given years to the service of the state. Well, I haven't given it; you paid for it. Of course, I always feel you don't pay quite as much as you should, but you paid me something, probably more than I earned.

At the State Law Library we have a very comprehensive law library for a state of the size of North Dakota and with our limited resources. I do not believe the attorneys throughout the state are fully informed as to what we have. If you have the time and the inclination we will, I assure you, be very happy to have you visit the library and see what there is. We are quite proud of the library and if the legislature seem to feel a little more liberal the library will probably grow.

Now, in digression, I wish to say something about the initial meeting of the Bar Association of the State of North Dakota. It has been judicially determined in North Dakota that a man born or a person born on January 1st, 1901, becomes of age on the 31st day of December at the end of the twenty-one year period. That has been judicially determined in the State of North Dakota, so that I can say that it has been judicially determined that the Bar Association of the State of North Dakota is forty-two years old today. The initial meeting was held at Grand Forks on September 19th, 1899. I wish to read to you just a few words from the minutes of that initial meeting of the Bar Association of North Dakota. The Bar Association, the Supreme Court, and the law library are all connected up in some way, so that I am not wandering too far from my subject. The meeting was held on September 19th, 1899. Now, the way it came about was this: Fargo had a very live and active bar association prior to that time, and at a meeting a little earlier in the year Hon. Seth Newman was requested to issue a call to the attorneys of the state to meet at noon at Grand Forks on the 19th of September, 1899, to talk the matter over. The meeting was not for the purpose of organizing the Bar Association but to talk over the matter of organizing a Bar Association, and on that day the meeting was held. Honorable James H. Bosard was chairman, the father of our distinguished friend here, and Judge Kneeshaw was Secretary at that meeting, and he probably is the only one who was at that meeting who is here today, and one of the very few of those men who is still living.

As soon as the meeting came to order Judge John Carmody, who has then not Judge Carmody, but John Carmody, Esq., moved that the attorneys present proceed to organize themselves into a State Bar Association to be known as the Bar Association of the State of North Dakota, and at the meeting a committee of five was appointed to draft a constitution and bylaws.

That committee was made up of J. H. Bosard, W. J. Kneeshaw, L. Guthrie, who was an attorney at Grand Forks, Seth Newman, and L. A. Rose of Fargo. They prepared a constitution and the bylaws and reported back to the association at eight that evening.

The following are the names of the attorneys present at the organization meeting. They may be called the fathers of the Bar Association of the State of North Dakota. They are: J. H.

Bosard, John M. Cochrane, C. F. Templeton, B. G. Skulason, F. B. Feetham, J. P. Gailbraith and Tracy R. Bangs, of Grand Forks, M. H. Brennan, W. H. Anderson and Siver Serumgard, of Devils Lake, J. E. Robinson, Seth Newman, Leonard A. Rose, of Fargo, W. R. Depuy, Jeff M. Myers and E. R. Sinkler, of Grafton, John Carmody and P. G. Swenson, of Hillsboro, Joseph G. Forbes, Charles E. Wolfe, George W. Freerks, and A. J. Bessie, of Wahpeton, E. E. Cassels, of Ellendale, W. J. Kneeshaw, Pembina, Joseph Cleary and R. M. Dickson, of Langdon, R. W. S. Blackwell, La-Moure, Charles D. Kennedy and Byron L. Shuman; H. A. Libby, Park River.

I said Judge Kneeshaw was the only one that is present, but Mr. Cassels is here. I overlooked that when I made my remark. Of those who were present at the meeting forty-two years ago, Judge Kneeshaw, Libby, Swenson, Forbes, Cassels, and Skulason are left. The others have passed on. No, Byron L. Shuman is living yet.

Now, the Supreme Court of the State of North Dakota is almost fifty-two years of age. The Bar Association is now just forty-two years of age. The Supreme Court came into existence on the 1st day of December, 1889. Those of you who are familiar with the history of our state know that the Constitutional Convention was held in 1889. The Constitution as approved by that convention was submitted to the people of the state at an election held on the 1st day of October, 1889, and at that election a full slate of state officers was elected. They said that if the Constitution is rejected there will be no harm done; they cannot qualify because the state cannot come into the Union. The full set of state officers was elected at that election and among them were the original members of the Supreme Court of the State of North Dakota.

I am going to speak more of the personnel of the court than of the work of the court. To give a history of the Supreme Court of the State of North Dakota in a half hour is just simply and utterly impossible. It would take a whole lot of time and a lot of research which I have not given to the matter. When you stop to think that probably ten thousand matters have been disposed of by the Supreme Court of the State of North Dakota during the fifty-two years of its existence you see how much research would be necessary to speak properly of the work of that court.

I believe that I can say that we have been exceedingly fortunate in the State of North Dakota in our courts, both Supreme and District, and we were particularly fortunate, I believe you might say, in the selection of the original Supreme Court. Now, it has been my good fortune—and I do not say it boastfully—it has been my good fortune to have been personally acquainted with every man who ever sat on the Supreme Court of the State of North Dakota. In the early days there was opportunity for us who lived in Grand Forks to get acquainted because the court did not hold all of its sessions here at the capital, but held ses-

sions at Grand Forks and Fargo as well. I believe we used to say it was on wheels. We looked forward with a great deal of pleasure—I believe Mr. Murphy will bear me out in that—when the lawyers were coming to Grand Forks to present their cases to the Supreme Court. The sessions were at the old court house, and my work was such that I was employed in that building and in that way I got an opportunity to meet the earlier lawyers of the state of North Dakota. I spoke to Judge Burr during the noon recess about the marked difference in the appearance of the attorneys now as compared to what they were when I was young. I thought then that when a man got to be a lawyer he was an old man. Now, looking over these faces today I say, "Well, they aren't much more than a bunch of kids." Fifty years, you know, make an awful difference. Under certain circumstances, it doesn't seem very long, and under others it seems quite a while. It all depends on whether a fellow is looking forward or looking backward. To a young man just starting out fifty years seem a long time in the future, but to those of us who are looking back fifty years do not seem very long, just a day or two ago.

Now, my remarks are not going to be very well connected, but I see Mr. Tillotson is busy with his pen and he will probably be able to straighten them out after the meeting is over.

The Supreme Court has been in existence for fifty-two years. During that fifty-two years twenty-eight different men have sat on the court. That is not a very large number. With the exception of Judge Christianson our judges have not had very long terms. Judge Christianson has had the longest term. Judge Knauf, of Jamestown, had the shortest term. There are a few statistics I would like to give you in regard to the selection of the judges. There have been only two deaths of members who were acting on the Supreme Court at the time they passed away. Judge Cochrane and Judge John Burke both were on the court when they passed away.

Of twenty-eight judges seven have resigned. That doesn't seem possible, yet seven of our judges have resigned. Judge Bruce resigned, but it was just a few days before the termination of his term. He had been appointed down in Minnesota and had to leave, so he resigned, and Judge Bronson, who had been elected to succeed him, finished out the term and then served a full term. The first one to resign was Judge Corliss, who was the first Chief Justice of the State of North Dakota. A good many of you remember him. He had served two terms. One was a short term and one was a long term. He was elected to the Supreme Court twice, served as Chief Justice twice, and retired and took up the practice of law, all before he was forty years of age. Judge Corliss was barely old enough to serve under the Constitution, and it is said that the Constitutional Convention placed the age at thirty years so as to make it possible for him to be a candidate as judge of the first court.

Judge Edward E. Engerud, who was appointed to the Supreme Court on the death of Judge John M. Cochrane, resigned before his term was over. Judge Young resigned before his term was over to go back into the practice of law. He had been elected twice. He was appointed to the court, served a full term, was reelected to another term, and before the term was over went back to practice law.

Judge Morgan, whom we all remember and loved, was compelled to resign on account of ill health. He had been elected to two full terms, but just before he ended up his last term his health failed and he resigned. Judge Bruce retired—it would hardly be called a resignation because he retired so near the end of his term. Judge Sveinbjorn Johnson resigned after a few years to go out of the state and take up the practice of law. And Judge Birdzell resigned to go to the city of Washington and occupy a high place in our national government.

Of the Supreme Court judges, seven were promoted from the District Court. Of the twenty-eight seven of them had been District Court judges. They were Judges E. T. Burke, Goss, Fisk, Burr, Morgan, Nuessle, and Moelling. The others were all chosen from the profession at large in the state.

Twenty-eight men have occupied places on the court and I wish to speak of a few of those men, and in doing that I know you will understand that I in no way disparage the others who have been members of the court. I think it is hardly worth while to discuss the work and the personnel of the court at the present, because they are all known to you at the present time. Some time somebody will write the history of the Supreme Court of the State of North Dakota, and I believe they will be able to use the title of a book that some one has used in the history of the Supreme Court of Wisconsin, "the story of a great court," and I believe that the time will come when somebody will write the history of the Supreme Court of North Dakota and entitle it "the story of a great court."

We all remember Judge Corliss, probably the most eloquent man who has ever sat on the Supreme Court of the State of North Dakota. He used to give lectures on Shakespeare's plays, and I believe that if he had devoted himself to the stage he would have been a very successful man. He had a very wonderful personality.

Judge Bartholomew I remember well. I used to meet him in Grand Forks when he came there to a term of court. He was one of the most beloved men we ever had in the State of North Dakota. As a conversationalist he had few equals and no superiors, and he was always surrounded by a group of men who were anxious, eager, and very willing to enter the conversation with him. Shortly after his term of office expired—he had served two terms—and within three months of the day his term expired he died very suddenly here in the City of Bismarck, and he had not yet reached the age of sixty.

The other member of the original court was Judge Alfred Wallin. I think a good many of us remember him. He had a full beard. He and Judge Bartholomew were both veterans of the Civil War. Judge Wallin was somewhat older than Judge Bartholomew and a good deal older than Judge Corliss. He became very deaf before his term expired. I remember when some of us went down to Fargo to be admitted to the Bar. In those times the examination was oral, entirely oral. We assembled before the court about two o'clock in the afternoon and the judges, the three of them, sat up there. Wallin was the Chief Justice. And they propounded questions to us and by five o'clock we were all sworn in as attorneys and counselors at law of the State of North Dakota, after an oral examination of less than three hours. What I remember about that was that Judge Wallin did not hear very well. In fact he did not hear well at all. I remember he said: "Young men, there is one thing I want to impress upon you at this time. That is, if you speak loud enough so that I can hear you that will count very much in your favor." And so we all shouted as loud as we could which pleased Judge Wallin very much.

I want to speak of another judge who was prominent in the early days, Judge John M. Cochrane. Many of you remember him. Judge Cochrane probably stood at the head of the Bar in the State of North Dakota. Unfortunately his health failed when he was about forty years old, but he carried on and continued in his practice. At the election of 1902 Judge Cochrane was nominated and elected to succeed Judge Wallin, who had retired, and he took his place on the court, and did his full share of the work, but just a year and a half later, at his home in Grand Forks, he dropped over dead. He had not quite reached the age of forty-five. John Cochrane was one of the great lawyers of the Northwest.

Then again I refer to Judge Morgan, another very charming gentleman, a splendid judge, fine lawyer, and an excellent citizen. His health failed and he had to retire, and he died shortly after his term expired.

Now, you know the others. We have had one man on the court who was in a class by himself, Judge Robinson. I do not want to say that he was not a good judge, because he was. He had a great fund of information along all lines. He was the oldest man who ever sat on the Supreme Court of the State of North Dakota. Just how old he was nobody knows. Somebody asked him how old he was and he said: "I am just as old as Abraham was when he begat Isaac." But the old man served out his term and he died down in Milwaukee when he was something over ninety years of age.

There was another man who was one of the older men in the court, a man who took a great, active, leading, honorable, and useful part in the development of North Dakota, and I believe that it would be very fitting for me to say something about our

good old friend, John Burke. He was one of the pioneer lawyers of Dakota Territory. He served in both houses of the legislature. He was elected three times to the office of governor, and would have had no difficulty at all in being elected to a fourth term if he had been candidate. He served two full terms on the Supreme Court, and Judge Burke was not as young as some of the other men on that court when he was a member but he carried his full share of the work all the way through and wrote his share of the opinions. I think that about the highest tribute that I could pay to Judge Burke would be to say that he was a man who was everybody's friend and everybody was his friend. That was the kind of a man Judge Burke was.

Now I am going to speak about two, only two cases handed down by the Supreme Court of the State of North Dakota. One was handed down by the court in what you might call the early days of the court. That is the Kent murder case. A great many of you remember that. His name was not Kent but he was indicted and tried and sentenced to be hung. It happened over here south of Mandan, and Kent was accused of hiring a man to kill his wife. His wife was killed and he was tried in Morton County, convicted of murder in the first degree, and sentenced to be hung, and took an appeal to the Supreme Court. Kent was defended very ably by some of the attorneys of this state, particularly General Hildreth, of Fargo. They appealed to the Supreme Court, and the Supreme Court granted a new trial. You may say, "What has that to do with the history of the Court?" If you will read Judge Corliss's opinion in granting a motion for a new trial you will find one of the finest expositions on evidence ever uttered. He was given a new trial, tried again and sentenced to be hanged. The matter came up to the Supreme Court again and the conviction sustained. About twelve hours before the date set for his execution the Governor commuted his sentence to life imprisonment.

Another case, a civil case, is Sargent County vs. State of North Dakota doing business as the Bank of North Dakota. Some of you are quite familiar with that, probably a whole lot more so than I am, but I had occasion to look it up in the North Dakota Reports the other day. The opinion covers about a hundred pages. It is the last case reported in Volume 47 of the North Dakota Reports. Sargent County garnished the funds of the Bank of North Dakota, and the matter, I believe, was tried before Judge McKenna, and he held with the county. An appeal was taken and the matter was presented to the Supreme Court and argued and a decision was handed down. Judge Bronson wrote the majority opinion and that was concurred in by Judges Birdzell, Christianson, and Robinson, but Judge Robinson wasn't quite satisfied with the opinion so he wrote another concurring opinion of a few pages. Judge Grace wrote a dissenting opinion of twenty-five pages. Then, after the opinion had been handed down, they asked for a rehearing, and on denying the motion for a rehearing, Judge Birdzell wrote the opinion, Judges Christian-

son and Robinson concurred, and Judge Bronson wrote a concurring opinion, and Judge Grace wrote an opinion in which he adhered to his former dissenting opinion. The case involves the State of North Dakota going into business as the Bank of North Dakota, and other state institutions, and that case settled a lot of things that might have continued to give a lot of trouble.

I see that my time is up. I thank you for the attention you have given me. I could say a whole lot more, but I certainly thank you for the attention you have given me.

MR. NILLES: Thank you, Mr. Taylor. I think it would be fitting at this time to give a little special recognition to a man who is known to all of us, loved by all of us, a man who, I believe, is the oldest active judge of a court of record in the United State, Judge Kneeshaw, and I wonder if he would be willing to give a few words of greeting to the assembly.

HON. W. J. KNEESHAW: Mr. President, and Members of the Bar of North Dakota: My mind kind of reminisces back to the first meeting of the Bar Association. I had almost forgotten the fact that I had been present at that time. I, of course, have lived here, and lived in the oldest town in the state, since 1873. When I came to Grand Forks there was only a restaurant, a store, and the stage station, and, so to speak, I grew up with the country, although I didn't grow very tall or very wide, but there seems to be a lot of expansion right here (indicating). You have wondered, possibly, why I came up here to sit down. I want you to know that I have a tender spot about my anatomy and I always like to get a soft seat.

It gives me a great deal of pleasure to be here and I almost wish you had put this off until about thirteen years and six months, when I celebrate my hundredth anniversary with the Bar Association of North Dakota.

JUDGE C. W. BUTTZ: Mr. President, Judge Kneeshaw, I believe, is the oldest Judge in North Dakota in point of years of service and of age, and it was actually determined in the last year that he is the oldest trial judge in the United States of America in age and in service on the trial bench, older than any other judge in America.

MR. NILLES: I am going to ask now for a brief report of the Committee on Legal Institutes, by the chairman, George Soule. I want to say that this committee, consisting of George A. Soule, Norman G. Tenneson, and Neal Williams, is a committee that I think has done more work from the standpoint of volume and constructiveness than any other committee and than any other officer of the Bar Association of this state during the past year. In my opinion they have done a splendid job. We are going to start seeing the results of it this afternoon. You may have thought it strange that that committee all came from Fargo. If there were any recommendations that I would like to pass along to the new administration it is this, that this committee, if it is

to be continued, that the membership of that committee be centered in one place, because the nature of the work is such that the work could not possibly be done if its membership is scattered throughout the state.

MR. SOULE: Mr. President, your sectional meeting committee was selected to supervise that work. We are entitled to all the credit the President said we should have, but really we look at these meetings as more of a cooperative effort on the part of all the members of our Bar Association. To illustrate what we mean by that and how your committee has functioned this year, I might say that we were appointed some time near the end of last year, and along in the latter part of the winter we selected the names of eighty-five members of the Bar Association of the state and we sent them a two page questionnaire on which we listed many subjects which rather appealed to us, and we asked these eighty-five men to check six subjects that were deemed most desirable to be handled at this meeting so that we might get their suggestions or criticism in the matter. We had a most remarkable response. They tell us that when a questionnaire is sent out if you get a response of five to ten per cent that that is about the average. We sent out eighty-five and sixty-seven of them came back, some seventy-five per cent or thereabouts. Not only did they send back the questionnaires but I think about half of those who returned them also wrote us letters, suggesting other subjects or suggesting methods of handling these meetings. That indicated to us that the meetings of last year had met with a generous response and were satisfactory to the members. Our committee then met and we considered the subjects in which they seemed to be most interested. Those are the subjects you find in the green book that we have for this meeting. We then selected the men that the association is to have to act as leaders of these meetings. So we think that the sixty-seven members who responded to our questionnaire are entitled to a lot of credit for the work that this committee caused them in telling us what they wanted.

We know that these men who have prepared the papers are entitled to most of the credit, because they are really the men who have done the work. They had to prepare these papers, had to write them and get them down to us so we could get this book out, and in addition they will have to stand up this afternoon and in the morning to hold these meetings, but you must all recognize that the success of the meetings will depend upon you as members of the Bar attending these meetings. You will have to contribute your part of the discussion in these meetings.

We are really proud of this book. I think you would be if you knew some of its history. Let me tell you just this: Last year the Red Book, and then the Green Book this year, was prepared largely with the help of a committee of the American Bar Association, of which Burt J. Thompson, of Forest City, Iowa, is

President. Mr. Thompson sent a lot of material and suggestions. After the meeting we sent him ten copies of this book, and some were sent to a number of the officers of the American Bar Association and to the regional meetings of the Bar Association in the United States. Mr. Nilles and I went down to a meeting at Minneapolis on May 21st and the thing that attracted the most attention was this Red Book.

Some of you might like to know how that book was prepared. It is this way: The papers are sent in to the committee and then these papers are all typewritten. I think the typewritten section when it was finished was about 9x11. Then it was reproduced by what is called a photoscope, a lithographing process, and then reduced one-third, and the smaller type sections make-up the book.

For the benefit of those who did not attend the meeting last year I suppose we should explain that we divide into four groups for the first four subjects, one group here in the court room, one in the court room next door, one in the commissioners' room on the floor below and the smallest group will go into the jury room across the hall. The leaders will present their subject, taking an average time of half an hour to forty-five minutes, leaving you the rest of the time for your general discussion.

Now there is another matter I would like to inquire about. Mr. George Register and myself would like to have anyone interested in Chapter 288 of that 1941 Session Laws join us in a conference on that some time during this meeting. It affects the manner of the levy of taxes by school districts and counties.

Charley, will you come up here? As Mr. Nilles explained, the three working members of the committee were all from Fargo, but we had one working delegate out here; that is Charley Foster. He has arranged for these meetings. Now, how many of you are going to attend the meeting of the section on Procedure in the North Dakota Supreme Court? How many are going to attend the one on the Workmen's Compensation Bureau Procedure under Mr. Grimson? How many will attend the section conducted by Mr. Nilles on the North Dakota Corporation Farming Act? As that figures out, then, Judge Burr, your meeting will be in this room, and the Wage and Hour meeting will be in the chambers, out this door, and the Workmen's Compensation Bureau meeting, Mr. Grimson, will you take the commissioners' room on the floor below, and John Nilles across the hall on this floor, to the left.

PRESIDENT NILLES: Before we recess I would like to suggest that if there is any member of the association should act by resolution on any subject in which he is interested, will he please prepare his suggestion or resolution and present it to the Resolutions Committee? You can find the chairman or leave it with Mr. McBride who will see that it is submitted. We will recess until tomorrow morning at nine-thirty.

SEPTEMBER 19TH, 1941

9:30 A. M.

PRESIDENT NILLES: The meeting will please come to order. At this time we will ask Divine blessing upon our deliberations for the day. Father Thomas Chambers is here, due to the absence of Father Robert A. Feehan whose name appears in the program.

FATHER THOMAS CHAMBERS: The most perfect of all prayers is the Lord's Prayer and it is most fitting that we open with the Lord's Prayer. (The Lord's Prayer, led by Father Chambers.)

MR. NILLES: I have some announcements to make this morning. First, unless there are objections from the floor the general assembly will meet this afternoon at one-thirty instead of at two o'clock as shown on the printed program.

(Further announcements as to luncheons during the noon hour.)

MR. A. R. BERGESON: I would like to have a correction made in the copy of our paper.

MR. NILLES: You are referring to the Green Book?

MR. BERGESON: Yes. I am referring to the Green Book, page 39, where there is a typographical error in the fourth paragraph, page 39, before the words "a chattel mortgage" strike out the words "as security" and insert the words "is not," so that it will read "is not a chattel mortgage." A couple of pages over there is another typographical error at the top of page 41.

MR. CHARLES FOSTER: The committee would like to know as nearly as possible the number that will attend the different luncheons.

MR. NILLES: Will you take charge of that then, Mr. Foster, and call the roll?

MR. SOULE: I presume that most of you were here yesterday and know how these sectional meetings are handled but for the benefit of those who were not here yesterday let me explain that this morning we expect to divide into three groups. We have three sectional meetings; one on Code Revision, another on Important Statutory changes made by the 1941 Session Laws, and the other on the Frazier-Lemke Act. Now, yesterday Mr. Foster and I tried to count all hands and we didn't do a very good job. They didn't come to the meetings according to the count or some of you changed your minds. What we would now like to know is, how many intend to attend the meeting on the Frazier-Lemke Act? Will you rise? How many expect to attend the meeting on Code Revision? Will you rise, please? Now the Important Statutory Changes made by the 1941 Session Laws; will you rise? The Frazier-Lemke Act will meet in this room.

Mr. Lord will come up in front when we start and I imagine he will like to have you in front like we did yesterday. The meeting on the 1941 session laws; you can go through this door into the Judge's Chambers; and the meeting on Code Revision down on the second floor in the Commissioners' room. Is there any other business, Mr. President?

SEPTEMBER 19TH, 1941

1:30 P. M.

PRESIDENT NILLES: The meeting will please come to order. The Chair has a telegram addressed to the President of the Association, reading as follows:

"Ward County Bar Association congratulates you upon a successful year and extends to your successor lots of good luck. Ben A. Johnson, Chairman, Ward County Association."

MR. NILLES: There are one or two remarks that I would like to make. First I think that this association is greatly indebted to the American Bar Association for the splendid assistance which they have given us in connection with this meeting. They have furnished us with a great deal of valuable literature which has been distributed and which I notice has been picked up and taken away. In fact I didn't see more than a small part of it. They have given us a great many valuable suggestions all along the line with reference to the conduct of our sectional meetings, and as I said earlier in this meeting, those of you who can afford it certainly will not go wrong in participating in the activities of that great association.

We are very much indebted to Mr. John Lord, who is connected with the Federal Land Bank of St. Paul, who came here and is the author of the article on the Frazier-Lemke Act. The same is true of the work of Mr. Murtha, now with the Wage and Hour Administration in Minneapolis.

I want to extend my personal thanks to the members of the Committee on Sectional Assemblies, namely George A. Soule, Norman G. Tenneson, and Neal Williams. I want also to thank the members of our Executive Committee, and our Secretary, and all of the members here who have contributed to the success of this meeting. The success of the meeting, you want to understand, gentlemen, is really due to your own efforts and of those who have made the success possible. Last, but not least, I want to thank the Burleigh County Bar Association who have done a splendid job in handling the local arrangements. I would like to express a word of thanks to the law book companies and others who have made splendid contributions. The prizes donated and the names of the contributors are as follows:

PRIZE BOOKS DONATED BY LAW BOOK COMPANIES

Title
Modern Legal Forms—3 Vols.

Donated By
West Publishing Co.

Judicial Opinions of Oliver Wendell Holmes	The Flood Co.
Mason's Federal Court Rules Annotated	Mason Publishing Co.
Mason's Internal Revenue Code Annotated	Mason Publishing Co.
Perry on Trusts and Trustees—2 Vols.	Bancroft-Whitney Co.
Fee Contracts of Lawyers	Prentice-Hall Co.
Hillyer's Corporate Management and By-Laws	Bender-Moss Co.
Corpus Juris Descriptive	

Word Index and Concordance The American Law Book Co.
Also Mr. James E. Gaffaney of the Office Specialties Company,
who contributed a brief case which will be given away this after-
noon.

I would like to ask now if there are any matters of unfinished business which any member of the association desires to present. The Secretary's desk is clear of unfinished business, and there being none we will pass to the next order of business. According to the program the election of officers is next but unless there is an objection we will proceed first with the report of the Committee on Resolutions. Is the chairman of that committee present and ready to report?

MR. HUGO P. REMINGTON: I called up the Supreme Court and I found out that Judge Christianson had left some time ago for this meeting and I should think he ought to be in any moment. He has the report. None of the rest of us is in position to report.

MR. NILLES: We will pass that for the moment. Perhaps Mr. Morton would be willing to proceed with the giving away of this brief case, if he is available. I might say that if the winner wants his name on that brief case if he will hand it to anybody from Fargo we will take it back and have Mr. Gaffaney put the name on it without charge.

MR. R. C. MORTON: Will the Attorney General step forward and complete the work incident to the lottery activities of the association?

HON. ALVIN C. STRUTZ: I am going to make one rule. If this is won by a member of the Burleigh County Bar Association he is not going to get it.

(The name of J. M. Hanley, Sr., was drawn as the winner of the brief case.)

MR. J. M. HANLEY, SR.: I will swear it's a frame-up.

MR. J. V. MCCORMICK: In behalf of the Burleigh County Bar Association and of the Morton County Bar Association I move we tend a vote of thanks to the Attorney General for his neglect of duty.

MR. J. M. HANLEY, SR.: If I am not out of order I would like to second the motion and I suggest that this is just a case of the good neighbor policy that we have out here in the Slope.

MR. NILLES: Is Judge Christianson here now? I would like to inquire if the Committee on Resolutions is ready to report now. I believe Judge Christianson is in the building.

MR. GEORGE F. SHAFER: The resolutions committee is ready to report now, I believe. Judge Christianson came in and rounded up some of his committee and he is holding a conference out there in the hall.

MR. R. C. MORTON: Mr. President, I think it would be a good idea to appoint a bailiff to round him up.

MR. NILLES: I recognize Judge Christianson, Chairman of Committee on Resolutions.

REPORT OF COMMITTEE ON RESOLUTIONS

JUDGE A. M. CHRISTIANSON: Mr. Chairman, your Committee on Resolutions begs leave to submit:

1. That this association express sincere appreciation and thanks of its members, not only to the Bar but to the citizenry and to the officials of the City of Bismarck, for the courtesies and hospitalities that have been extended to this association and its members,—all of which have contributed greatly to the success of this convention;

2. That this association extend its thanks to the members of the Program Committee and to all who have labored so well and faithfully to make the program of this convention one of real and lasting value;

3. That this association extend to Dr. Frank Eversull sincere appreciation and gratitude for his instructive and appropriate address, and that he be made an honorary member of the association;

4. That this association extend to the American Bar Association its appreciation for the assistance rendered in furnishing for use at this convention certain valuable source material, and that it also extend to the various law book publishing companies appreciation for the material furnished, and the books which they have donated;

5. That this association extend its thanks to those who served as chairmen and leaders in the sectional assemblies, and especially to John F. Lord, attorney for the Farm Credit Administration, and Donald M. Murtha, attorney for the Wage and Hour Division, U. S. Department of Labor, who came here from some distance, and, at sacrifice to themselves, made valuable contributions to the meeting.

6. That this association adopt as a permanent feature the system of sectional discussions and legal institutes, as being of value to the members, and a source of increased attendance and greater interest;

7. That the President and Secretary of the association be directed to call to the attention of the Senate of the United States the fact that the administration of justice is being impaired by the fact that there is no Judge of the District Court of the United States for the District of North Dakota, and we urge that the senate, at the earliest possible moment, perform its constitutional duties incident to the filling of this vacancy upon the federal bench;

8. That the President of the Association be authorized to appoint an Interim Committee on revision of the constitution and by-laws to report to the association on the first day of its next annual meeting, it being understood that such committee will recommend such changes in the constitution and by-laws as will tend to promote and stimulate interest, attendance and participation in the activities of the association, all to the end that the association may be able to perform greater public service;

9. During the recent past it has repeatedly come to the attention of the members of this association that many citizens of the United States encounter much difficulty in proving their citizenship. This is especially true as to those who acquired citizenship by virtue of the naturalization of the father. The Legislature of North Dakota took cognizance of this situation, at its last session, and provided for a proceeding in the district court to establish the fact and status of citizenship of the state. See, Chapter 235, Laws 1941. This association recommends that provision be made by Congress for a proceeding under Federal Laws, similar or analogous to a proceeding for naturalization, wherein a person may establish and obtain an official determination of the fact that he or she is a citizen of the United States;

10. That the members of this association, individually and collectively, use their utmost power and influence to combat racial and religious intolerance to the end that in the defense of America and her institutions there may indeed be national unity;

11. That this association extend to the Honorable Lynn J. Stambaugh, one of its distinguished members, hearty congratulations upon the honor recently conferred upon him, by his being elected National Commander of the American Legion. We, also, congratulate the Legion upon its good fortune in obtaining the services of this courageous, patriotic and able American as its administrative head during these trying days.

Respectfully submitted,

A. M. CHRISTIANSON
HUGO P. REMINGTON
MACK TRAYNOR
G. GRIMSON
WM. G. OWENS

JUDGE CHRISTIANSON: I move the adoption of the report.

MR. HUGO P. REMINGTON: Mr. Chairman, I second the motion.

MR. NILLES: It has been moved and seconded that the report of the Committee on resolutions be adopted. As I understand it the approval of this report will operate as the adoption of those resolutions, as the resolutions of this association. Is there any discussion.

(On submission to a vote the motion was carried.)

MR. NILLES: Is there a desire on the part of any member of the association to offer any resolutions? If not we will pass to the next order of business, which is the election of officers, and the Chair will now entertain nominations for the office of President.

MR. HUGO P. REMINGTON: Mr. Chairman, I would like to place in nomination, in keeping with the traditions of this association, the name of a man who for many years has rendered faithful, consistent, and unselfish service, the name of a man I would call my friend because we must call him our friend, the friend of all of us, the Honorable Harrison A. Bronson, of Grand Forks.

MR. ALOYS WARTNER: I would feel that I am not doing my duty to a friend if I did not second the nomination of Judge Bronson for the Presidency of this Association. I have known Judge Bronson for many years. I had the pleasure of sitting next to him in the State Senate years ago, and I know of no man in this association that has rendered more service not only to the Bar of the State of North Dakota but also to the American Bar Association, of which he has been a member for many, many years, and I believe now he holds office in that great body.

MR. W. B. OVERSON: I would like to second the nomination of Mr. Bronson. He was on my Judiciary Committee, and I think he was the man who did as much work as all of the rest of us together on that committee during the time when we had some pretty well considered laws enacted. I take great pleasure in seconding the nomination of Judge Bronson.

MR. C. J. MURPHY: I have known Harry a great many years and have had the profit and pleasure of practicing law with him in Grand Forks during a great portion of that period. He has always taken a very keen interest in Bar Association matters, and I know of no man better qualified than Harry is for this job, and of course we know he is going to get it, because it would be treason if we didn't elect the Vice President of the Association to the office of President of the Association; and if it is in order I would suggest or move that the nominations be considered closed and that the Secretary of this Association be instructed to cast the unanimous vote of the Association for Harrison A. Bronson for President.

HON. J. M. HANLEY, SR.: I would like the privilege of seconding the motion in behalf of the Sixth Judicial District and of his friends in that district.

MR. F. E. MCCURDY: I think it would be appropriate for some of Mr. Bronson's old students who studied for admission to the bar under his instruction and direction. I second the motion for his unanimous election.

MR. NILLES: The motion is to close the nominations and for the Secretary to cast the unanimous vote for Hon. Harrison A. Bronson as President of this Association.

SECRETARY MCBRIDE: Mr. President, I take pleasure in casting the unanimous vote of this association for Mr. Harrison A. Bronson, of Grand Forks, as President of this Association for next year.

MR. NILLES: Judge Wartner, would you escort President Bronson forward, please?

MR. BRONSON: I am almost overcome with emotion. Members of the North Dakota State Bar Association, it is such an honor and such a privilege to be accorded the opportunity of trying to serve you during the ensuing year. I will, however, have to try to do it with the aid of your assistance, and I hope I can carry on. I want to say to you that the North Dakota Bar Association has got a signal honor because it is recognized now in the American Bar Association as the first integrated Bar in the Union, with some other twenty-two Bars now in existence in the Union. I have been a member of the American Bar Association now going on thirty-four years, and I expect to be there next week. I want to say to you that I will need your help during the ensuing year; I will need the assistance of each and everyone of you to bring to the front everything that we can to promote National unity. I can only say to you that I appreciate very greatly the compliment that has been paid to me. Is a privilege to be here at this meeting, which has been presided over by our President, Herbert Nilles, one of my old boys. I am proud of him, proud of all of you, and proud of the work that these sectional committees are carrying on. I shall try to carry out the spirit of the resolutions that have been presented by Judge Christianson. I thank you from the bottom of my heart for the compliment that has been expressed to me.

MR. BRONSON: The Chair will now entertain nominations for the office of Vice President.

MR. WILLIAM G. OWENS: Yesterday morning I was in a barber shop when someone walked in and asked the barber where he could find the meeting of the bartenders. The barber very courteously said: "I don't know of any bartenders' meeting; there is a State Bar Association meeting for the lawyers." The only difference is the bartenders are inside, and the rest of us are outside of the bar. It made me think of Father Logan out here at

Minot. He told about a little boy who was going to Sunday school quite regularly and he missed one Sunday. The preacher asked him about it and he said he had an engagement. The preacher wanted to know what the engagement was and the boy said: "Well, I went to the ball game." The preacher wanted to know why he missed Sunday school to go to a ball game and the boy said it was just about the same thing. The preacher didn't understand that, and the boy said, "Well, at Sunday school they teach all of us to stand up and sing "Stand up, stand up for Jesus," and at the ball game when he stood up so he could see a play at first base everybody yelled: "For Christ's sake, sit down."

What I got up here for was to offer a nomination for Vice President of the Bar Association. Looking over the gang here I can see about fifty fellows that are suitable for the vice presidency, but I want to ask you to give the Vice Presidency to the Fifth Judicial District, and of course Minot claims to be the principal point in that district although they have some competition out in the west end. I have a very good friend in the Bar of that district who has practiced in Minot for a number of years and who has been active in this association; as a member of the executive committee he has been interested in bringing many educational subjects before the Bar; he is quite active in the Sixth Judicial District; he is a man of fine character, spiritually, morally, and mentally, and so I take great pleasure in offering the name of our friend, O. B. Herigstad for the office of Vice President of this association for the ensuing year.

MR. BRONSON: The Chair has received the nomination of O. B. Herigstad, of Minot. Does the Chair hear any further nominations?

MR. CHARLES L. FOSTER: Mr. President, for several years last past, in connection with municipal affairs, it has been my privilege to work with O. B. Herigstad, of Minot. You know the last years have greatly added to municipal activities and duties, with the coming in of the liquor law and the beer law, all those things that have grown upon us in the past few years. In the activities of the League of Municipalities we have invariably found Mr. Herigstad to be one of the men that we could always depend upon. It has been a pleasure to me to work with him. I know he is a hard worker in the affairs of this association, and it gives me great pleasure to second the nomination of Mr. Herigstad.

(A motion was made, and seconded, that the rules be suspended and that the Secretary of the Association cast the unanimous ballot for O. B. Herigstad for Vice President, which motion carried.)

SECRETARY MCBRIDE: Mr. President, I take pleasure in casting the unanimous vote of this Association for O. B. Herigstad of Minot for Vice President of this Association.

MR. O. B. HERIGSTAD: I just want to say that I appreciate very much the honor that has been conferred upon me. It is an

honor to be associated with Judge Bronson, a man whom I have looked up to with a great deal of respect, an honor to have a chance to serve under him, and I assure you that I will try to deserve the honor.

MR. BRONSON: The next order of business is the election of a secretary-treasurer. Do I hear any nominations?

MR. FRED GRAHAM: We have a man who has been secretary-treasurer for the last several years. I have attended the different meetings for two or three years and I know that he has served the association and taken care of the work in a fine way and I wish to place the name of Mr. M. L. McBride for nomination as Secretary-Treasurer, to succeed himself.

MR. J. M. HANLEY, SR.: I want to second the nomination. I know from my experience with Mac that he has made a wonder-record as Secretary of this Association. He is diligent in the work, the association has progressed since he has been Secretary, and as a representative of the Sixth Judicial District, our own district that he belongs to, I second the nomination.

MR. L. J. PALDA, JR.: I move that the nominations be closed and that the President of this association cast the unanimous vote of the association for M. L. McBride as Secretary-Treasurer.

MR. ALOYS WARTNER: I second that motion, Mr. President.

(The motion was carried.)

MR. BRONSON: Mr. Secretary: We would like to have you say a word to us. The President now casts the ballot of the association for M. L. McBride, as Secretary-Treasurer of this Association.

MR. M. L. MCBRIDE: Members of the Association, exposing myself to the danger of being charged with repeating myself, I want to say that I appreciate very much your endorsement, and that I will do my very best to deserve my return to this office in the coming year.

MR. BRONSON: I think now that closes the program of this meeting, with all the unfinished business taken care of. I would like to turn over this meeting for just a moment to Mr. Nilles.

MR. NILLES: Gentlemen, the work of this convention is closed. I want to thank each and all of you for your cooperation. The meeting is adjourned.

In Memoriam
